**Council Chambers, City Hall**
401 South Alamo
Marshall, TX 75671
903-935-4421



# PLEASE SILENCE ALL DEVICES

## REGULAR CITY COUNCIL MEETING

**May 11, 2023**
**6:00 PM**

1. **Call to Order and Roll Call**

2. **Invocation and Pledges**

3. **Presentations & Proclamations**
   A. National Public Works Week Proclamation

4. **Citizen Comments**
   Texas Government Code, Sec. 551.007 requires that a governmental body must allow each member of the public who desires to address the body regarding an item on the agenda the opportunity to do so before or during the body's consideration of the item. The "Citizens Comments" portion of the meeting meets the requirements of this law and is the public's opportunity to speak on any item on the agenda. Those who wish to speak are requested to fill out a public comment form and will have three (3) minutes to speak unless additional time has been requested.

5. **Items to be Withdrawn From Consent Agenda**

6. **Consent Agenda**
   The items on the Consent Agenda require little or no deliberation by the Council. Approval of the Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations, a copy of which is filed with the minutes of the meeting. A Councilmember may remove items from the Consent Agenda by making such request prior to a motion and vote on the Consent Agenda.
   A. Consider approval of the minutes from the April 27, 2023 regular meeting.
   B. Consider approval of an ordinance abandoning, vacating, and closing that portion of Beauregard St. from its intersection with Davis St. to its intersection with Price St., and consisting of approximately 7500 square feet of land located within the Railroad Subdivision, City of Marshall, Harrison County, Texas, and which is more particularly described and or depicted in Exhibit A, which is attached hereto and incorporated herein for all purposes; providing for a severability clause; providing a repealer clause; and providing for an effective date.

7. **Consideration of Item Withdrawn From the Consent Agenda**

8. **Resolution**

A. Consider and act on a resolution directing publication of notice of intention to issue combination tax and revenue certificates of obligation.

**9. City Manager Reports and Requests for City Council Consideration**

A. Consider Approval to Award a Contract for the Supply of Fuel for the City of Marshall

B. Presentation of the semi-annual report by the Marshall Economic Development Corporation.

C. Consider approval of the application for a grant through BCBS of Texas for $50,000 towards the National Fitness Campaign Project.

**10. Executive Session**

A. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel – Annual evaluation of City Judge.

B. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel – Annual evaluation of City Manager.

C. An executive session pursuant to Texas Govt. Code Section 551.071. "Consultations with Attorney" to consult with the City Attorney in an executive session to seek his or her advice on legal matters concerning pending or contemplated litigation and upon a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter."

D. An executive session pursuant to Section 551.087 of the Texas Government Code (Deliberation Regarding Economic Development Negotiations) (1) to discuss or deliberate regarding commercial or financial information that the City Council has received from a business prospect that the City Council seeks to have locate, stay, or expand in or near the territory of the City and with which the City Council is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described above; concerning Project Epsilon.

**11. Action Item Following Executive Session**

A. Consider approval of an expenditure greater than $50,000 by Marshall EDC for Project Epsilon.

**12. Adjournment**

May 8, 2023
5:00 PM
N. Smith

This meeting will be conducted in accordance with the Americans with Disabilities Act. Requests for sign interpretive services will be available with at least 72-hour notice prior to the meeting. To make arrangements for these services, please call the City Secretary’s Office at 903-935-4446.

| | | |
|---|---|---|
| City of MARSHALL TEXAS | TO: | City Council |
| | DATE: | May 11, 2023 |
| | ITEM #: | 3.A |
| | SUBJECT: | National Public Works Week Proclamation |

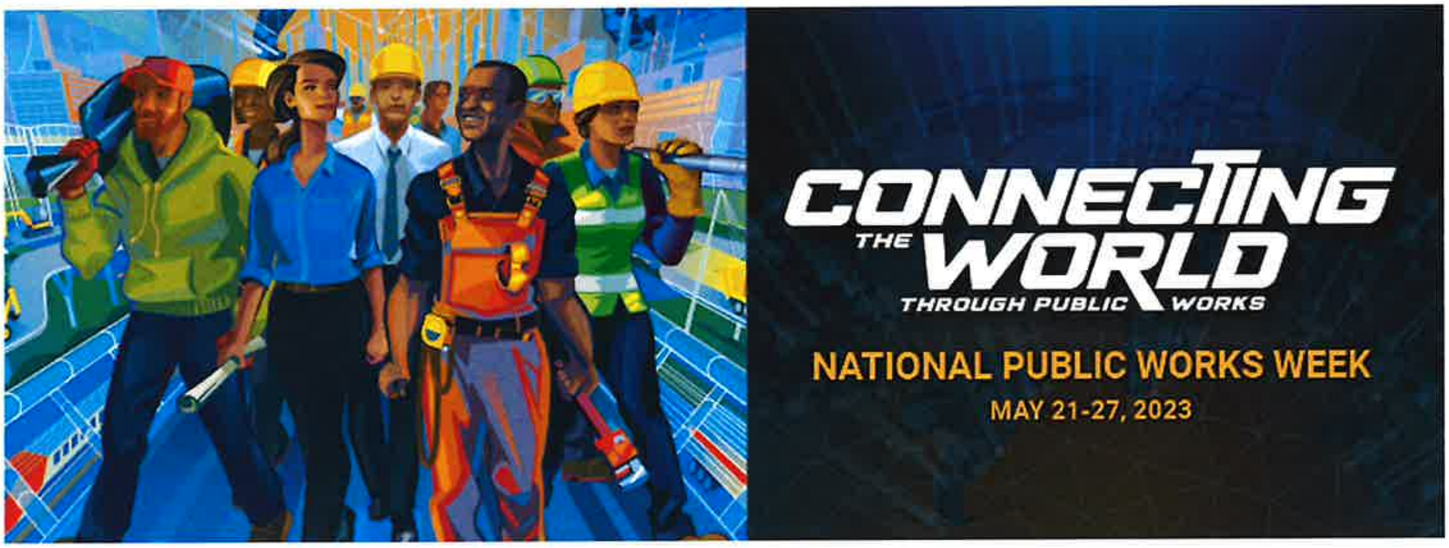
**Recommendation for Action:** Presentation of a Proclamation designating the week of May 21-27, 2023 as "National Public Works Week" in the City of Marshall.

**Executive Summary:** The American Public Works Association (APWA) annually recognizes the many men and women in North America who provide public services and maintain infrastructure. National Public Works activities are observed each year during May and June, with the theme this year being" Connecting the World Through Public Works". Through proclamations and other efforts, the APWA seeks to raise the public's awareness of the importance of public works programs and the dedicated efforts of all public works personnel.

**Budget Cost:** n/a

**Staff Contact:** Eric Powell, Director of Public Works

**Attachments:** 1. Proclamation




National Public Works Week Proclamation

May 21–27, 2023

"Connecting the World Through Public Works"

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of **CITY OF MARSHALL, TX**; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in **CITY OF MARSHALL, TX** to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2023 marks the 63rd annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

RESOLVED, I, **Mayor Amy Ware**, do hereby designate the week May 21–27, 2023 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State (to be affixed),

DONE at the **Marshall, Texas** this ________ day of ________ 2023.

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|---|---|---|
| | TO: | City Council |
| | DATE: | May 11, 2023 |
| | ITEM #: | 6.A |
| | SUBJECT: | Consider approval of the minutes from the April 27, 2023 regular meeting. |

**Recommendation for Action:** Consider approval of the minutes from the April 27, 2023 regular meeting.

**Executive Summary:** Minutes from the regular meeting held on April 27, 2023.

**Budget Cost:** N/A

**Staff Contact:** Nikki Smith, City Secretary

**Attachments:** 1. 4-27-23 minutes

**Council Chambers, City Hall**
401 South Alamo
Marshall, TX 75671
903-935-4421

**Members**
Amy Ware, District 4 - Mayor
Marvin Bonner, District 1
Leo Morris, District 2
Jennifer Truelove, District 3
Reba Godfrey, District 5
Amanda Abraham, District 6
Micah Fenton, District 7

# MINUTES
# REGULAR CITY COUNCIL MEETING
**April 27, 2023**
**6:00 PM**

## 1. Call to Order and Roll Call

Mayor Amy Ware called the Regular meeting to order in the Council Chambers, City Hall at 06:00 PM.

**PRESENT:**

**Mayor and Council Members:**

Mayor Ware
Councilmember Bonnner
Councilmember Morris
Councilmember Truelove
Councilmember Godfrey
Councilmember Fenton

**ABSENT:** Councilmember Abraham (Excuse absence: Motion: Ware Second: Godfrey Vote: 6:0)

**ADMINISTRATIVE STAFF PRESENT:**

Terrell Smith, City Manager
Cliff Carruth, Police Chief
Eric Powell, Public Works Director
Scott Rectenwald, Acting City Attorney
Randy Pritchard, Support Services Director
Nikki Smith, City Secretary/Payroll Accountant

## 2. Invocation and Pledges

Mayor Ware

## 3. Citizen Comments

Texas Government Code, Sec. 551.007 requires that a governmental body must allow each member of the public who desires to address the body regarding an item on the agenda the opportunity to do so before or during the body's consideration of the item. The “Citizens Comments” portion of the meeting meets the requirements of this law and is the public’s opportunity to speak on any item on the agenda. Those who wish to speak are requested to fill out a public comment form and will have three (3) minutes to speak unless additional time has been requested.

There were no citizen comments.

**4. Items to be Withdrawn From Consent Agenda**

There were no items withdrawn from the Consent Agenda.

**5. Consent Agenda**

The items on the Consent Agenda require little or no deliberation by the Council. Approval of the Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations, a copy of which is filed with the minutes of the meeting. A Councilmember may remove items from the Consent Agenda by making such request prior to a motion and vote on the Consent Agenda.

**Councilmember Truelove made a motion to approve the Consent Agenda. Councilmember Fenton seconded the motion, which passed by a vote of 6:0.**

A. Consider approval of the minutes from the April 13, 2023 regular meeting.

B. Award of Contract for work at the City Wastewater Treatment Plant - Clarifier No. 2

C. Purchase of replacement 70hp influent pump at Wastewater Plant

**6. Consideration of Item Withdrawn From the Consent Agenda**

There were no items withdrawn from the Consent Agenda.

**7. City Manager Reports and Requests for City Council Consideration**

A. Presentation of the semi-annual report by the Marshall Economic Development Corporation.
This item was withdrawn.

**8. Executive Session**

**Councilmember Truelove made a motion to convene in the Executive Session. Councilmember Fenton seconded the motion, which passed by a vote of 6:0. The time was 6:03 PM.**

**Councilmember Truelove made a motion to reconvene from the Executive Session. Councilmember Godfrey seconded the motion, which passed by a vote of 6:0. The time was 7:03 PM.**

A. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel – Annual evaluation of City Judge.

B. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel – Annual evaluation of City Secretary.

C. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel – Annual evaluation of City Attorney.

**9. Action Item Following Executive Session**

No action was taken regarding the Executive Session items.

**10. Adjournment**

**Councilmember Godfrey made a motion for adjournment. Councilmember Morris seconded the motion, which passed by a vote of 6:0.**

APPROVED:

____________________________
Mayor of the City Council
of the City of Marshall

ATTEST:

____________________
City Secretary

| | |
|---|---|
| TO: | City Council |
| DATE: | May 11, 2023 |
| ITEM #: | 6.B |
| SUBJECT: | Consider approval of an ordinance abandoning, vacating, and closing that portion of Beauregard St. from its intersection with Davis St. to its intersection with Price St., and consisting of approximately 7500 square feet of land located within the Railroad Subdivision, City of Marshall, Harrison County, Texas, and which is more particularly described and or depicted in Exhibit A, which is attached hereto and incorporated herein for all purposes; providing for a severability clause; providing a repealer clause; and providing for an effective date. |

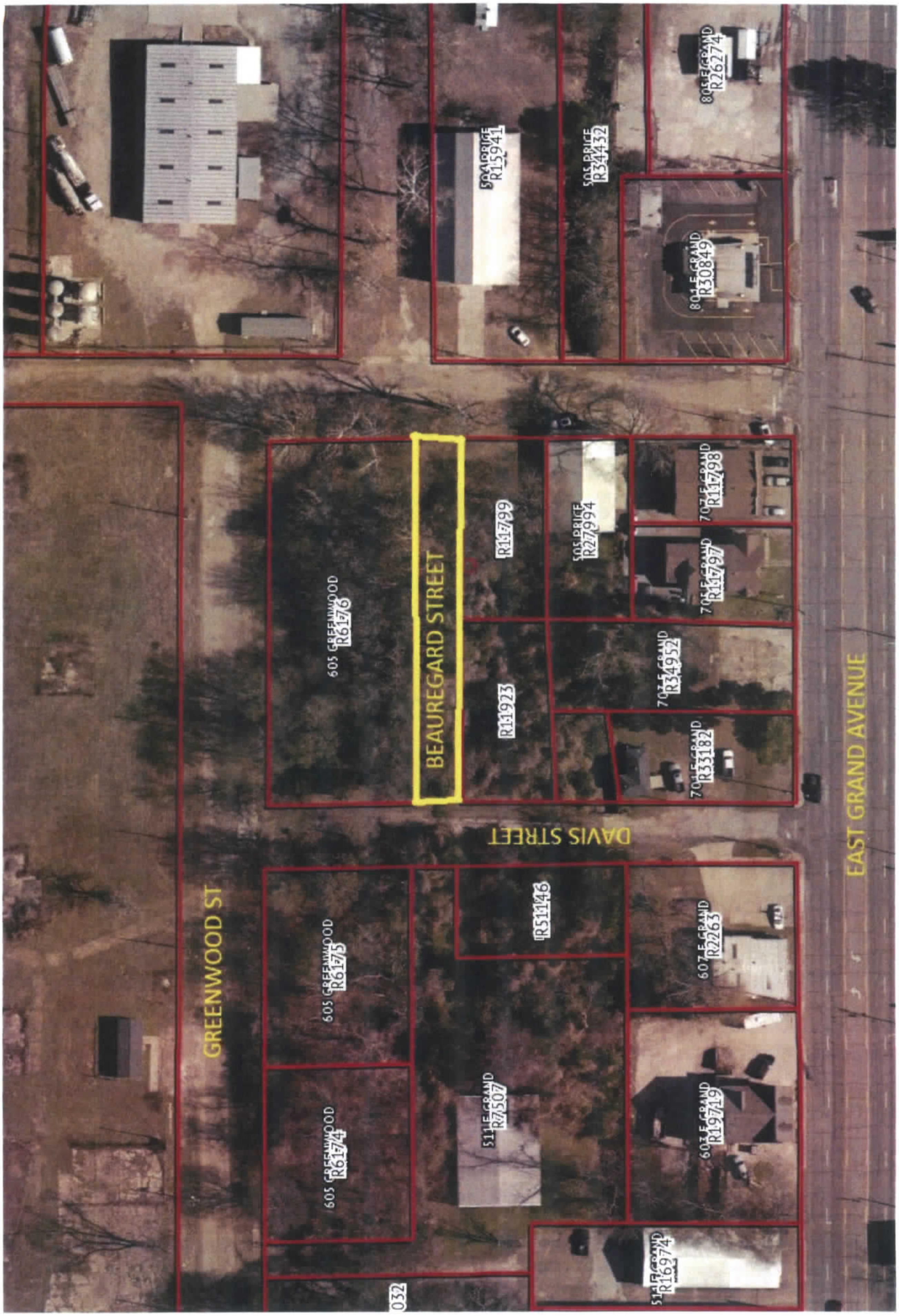
**Recommendation for Action:** Asking for approval of an ordinance.

**Executive Summary:** This is a follow up item from the September 22, 2022 council meeting allowing for the official abandonment of the portion of Beauregard St.

**Budget Cost:** N/A

**Staff Contact:** Garnett Johnson, Community Development Director

**Attachments:**
1. Beauregard St. pics
2. O-23-XX abandoning Beauregard St.


BEAUREGARD STREET
DAVIS STREET
EAST GRAND AVENUE
GREENWOOD ST
605 GREENWOOD R6176
R11799
R11923
505 PRICE R27994
707 E GRAND R11798
705 E GRAND R11797
707 E GRAND R34952
701 E GRAND R33182
R51146
605 GREENWOOD R6175
605 GREENWOOD R6174
511 E GRAND R7507
607 E GRAND R2263
603 E GRAND R19719
511 E GRAND R16974
801 E GRAND R30849
505 PRICE R34432
504 PRICE R15941
801 E GRAND R26274
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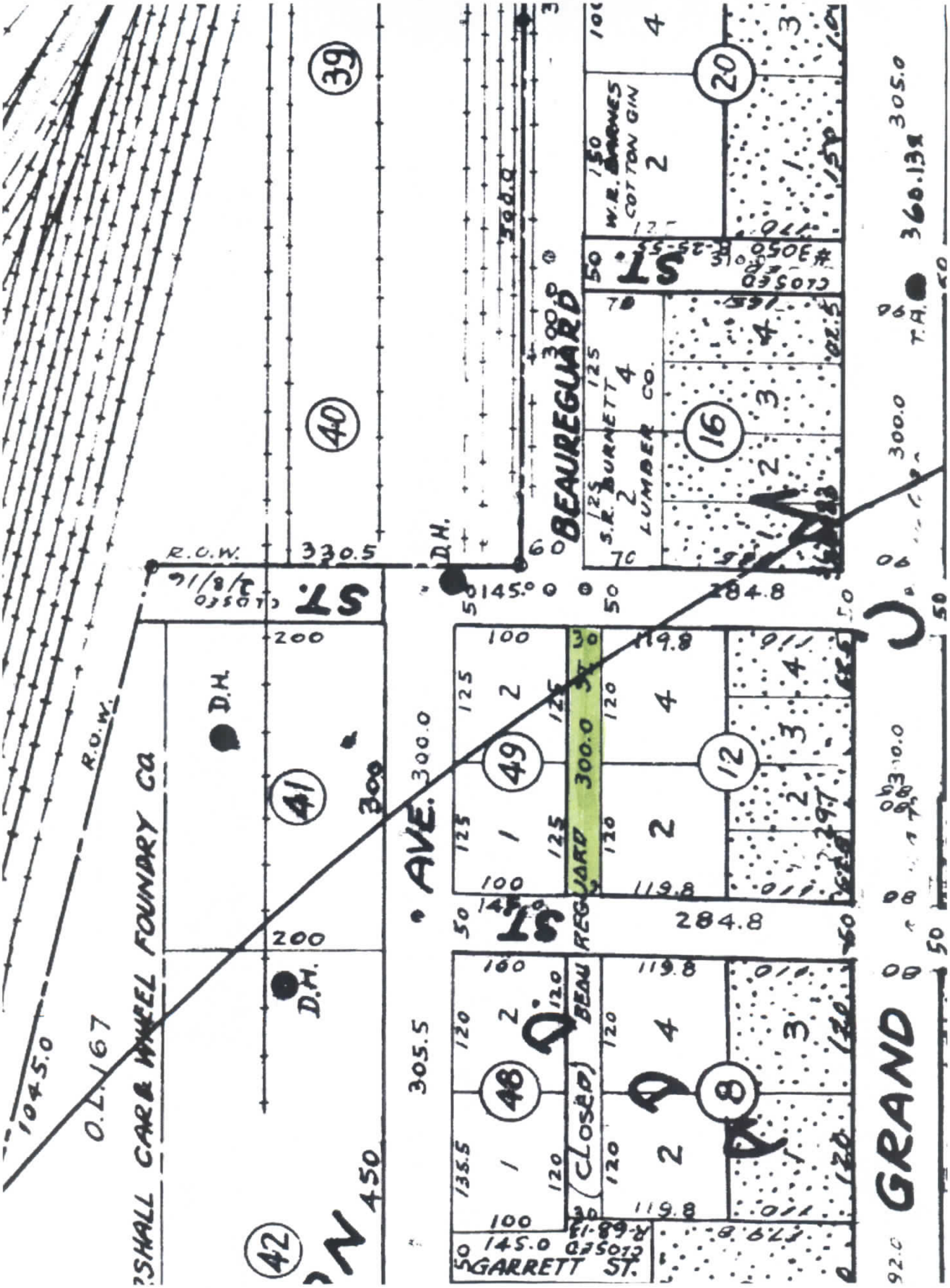
BEAUREGUARD
AVE.
GRAND
GARRETT ST.
FOUNDARY CO.
S.R. BURNETT LUMBER CO.
W.R. BARNES COTTON GIN
R.O.W.
CLOSED
ST
O.L. 167
1045.0
330.5
300.0
305.5
284.8
305.0
360.13
450
39
40
41
42
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49
20
16
12
8

City of Marshall, Texas ordinance no. __________

**An ordinance of the City Council of the City of the Marshall, Texas, abandoning, vacating, and closing that portion of Beauregard St. from its intersection with Davis St. to its intersection with Price St., and consisting of approximately 7500 square feet of land located within the Railroad Subdivision, City of Marshall, Harrison County, Texas, and which is more particularly described and or depicted in Exhibit A, which is attached hereto and incorporated herein for all purposes; providing for a severability clause; providing a repealer clause; and providing for an effective date.**

WHEREAS, the City of Marshall, Texas, is a Texas home-rule municipality; and

WHEREAS, Section 311.001(a) of the Texas Transportation Code generally provides that a home-rule municipality has exclusive control over and under the public highways, streets, and alleys of the municipality; and

WHEREAS, Section 311.007 of the Texas Transportation code provides the authority for a home-rule municipality to vacate, abandon or close a street or alley within the municipality; and

WHEREAS, the City of Marshall, Texas, acquired a public interest in that the heretofore described portion of Beauregard St., between the intersections of Beauregard St. with Davis St., and Beauregard with Price St., through a dedicated plat; and

WHEREAS no actual roadway had ever been constructed or used by the public on the described portion of Beauregard St.; and

WHEREAS, the City Council of the City of Marshall, Texas, has determined and finds it is in the public interest that the heretofore described portion of Beauregard St., between the intersections of Beauregard St. with Davis St., and Beauregard with Price St., as described and/or depicted in Exhibit A, which is attached hereto and incorporated herein for all purposes, should be abandoned, vacated, and closed as a public roadway.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS:

SECTION 1. That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. That the portion of Beauregard St., in the City of Marshall, Texas between the intersections of Beauregard St. with Davis St., and Beauregard with Price St., as described and/ or depicted in Exhibit A, which is attached hereto and incorporated herein for all purposes, is hereby abandoned, vacated, and closed as a public roadway; PROVIDED HOWEVER, that the City of Marshall shall retain any easement necessary for maintenance, repair or replacement of water, sewer, or any other infrastructure of the City underlying the property described herein.

SECTION 3. That if any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4. That all provisions of the Ordinances of the City of Marshall, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. That this Ordinance shall become effective from and after its date of passage in accordance with law.

Passed and approved by the City Council of the City of Marshall, Texas, this the 11$^{th}$ day of May, 2023.

AYES: ____
NOES: ____
ABSTAINED: _____

____________________________________
Mayor of the City Council
of the City of Marshall

____________________________________
Terrell Smith, City Manager

**Attest:**

____________________________________
Nikki Smith, City Secretary

| | |
|---|---|
| TO: | City Council |
| DATE: | May 11, 2023 |
| ITEM #: | 8.A |
| SUBJECT: | Consider and act on a resolution directing publication of notice of intention to issue combination tax and revenue certificates of obligation. |

**Recommendation for Action**: Consider and act on a resolution directing publication of notice of intention to issue combination tax and revenue certificates of obligation.

**Executive Summary**: This is the first step in the CO process and specifies that the City Council will approve the ordinance authorizing the COs at the July 6 Council meeting. The project description states the COs will issued in a maximum amount of $2,055,000 and used to pay for (1) the planning, acquisition, design, and construction of a flood management detention pond and (2) paying legal, fiscal, engineering, architectural and other professional services in connection with these projects.

**Budget Cost**: N/A

**Staff Contact:** Eric Powell, Public Works Director & Dawn Jones, Finance Director

**Attachments:**

1. City of Marshall 40199 DRAFT Resolution
2. Intent to Apply Form_Due Jan. 7 2022
3. ProjectSummary
4. Marshall 40199_DRAFT Board Documentation

# CERTIFICATE REGARDING ADOPTION OF RESOLUTION

THE STATE OF TEXAS
HARRISON COUNTY
CITY OF MARSHALL

We, the undersigned officers of the City of Marshall (the "City"), hereby certify as follows:

1. The City Council of the City convened in regular meeting on May 11, 2023, at the designated meeting place, and the roll was called of the duly constituted officers and members of said City Council, to wit:

| | |
|---|---|
| Mayor Amy Ware | Councilmember Marvin Bonner |
| Councilmember Leo Morris | Councilmember Jennifer Truelove |
| Councilmember Amanda Abraham | Councilmember Reba Godfrey |
| Councilmember Micah Fenton | |

and all of said persons were present, except ________________________________, thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written

RESOLUTION DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION

was duly introduced for the consideration of said City Council. It was then duly moved and seconded that said Resolution be adopted and, after due discussion, said motion, carrying with it the adoption of said Resolution, prevailed and carried with all members present voting "AYE" except the following:

NAY: ___ ABSTAIN: ___

2. That a true, full and correct copy of the aforesaid Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Resolution has been duly recorded in said City Council's minutes of said Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said Meeting pertaining to the adoption of said Resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Resolution would be introduced and considered for adoption at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose, and that said Meeting was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

3. That the Mayor of said City has approved and hereby approves the aforesaid Resolution; that the Mayor and the City Secretary of said City have duly signed said Resolution; and that the Mayor and the City Secretary of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Resolution for all purposes.

SIGNED AND SEALED ON MAY 11, 2023.

| | |
|---|---|
| City Secretary,<br>City of Marshall, Texas | Mayor,<br>City of Marshall, Texas |

{SEAL}

RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION

THE STATE OF TEXAS
HARRISON COUNTY
CITY OF MARSHALL

WHEREAS, the City of Marshall (the ***City***) deems it advisable to give notice of intention to issue one or more series of Certificates of Obligation (the ***Certificates***) in the maximum principal amount of $2,055,000 for paying all or a portion of the City's contractual obligations to be incurred in connection with (1) the planning, acquisition, design, and construction of a flood management detention pond and (2) paying legal, fiscal, engineering, architectural and other professional services in connection with these projects; and

WHEREAS, the City Council hereby finds, considers and declares that the reimbursement of the payment by the City of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the United States Treasury Regulations, to reimburse itself for such payments at such time as it issues the Certificates; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS:

Section 1. Attached hereto as ***Exhibit A*** is a form of the "Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation for the City of Marshall, Texas" (the ***Notice***), the form and substance of which is hereby adopted and approved.

Section 2. The City Secretary shall cause the Notice to be published in substantially the form attached hereto, in a newspaper of general circulation in the City of Marshall, once a week for two consecutive weeks, the date of the first publication thereof to be at least forty-five days prior to July 6, 2023, which is the date set for the adoption of the ordinance authorizing the issuance of the Certificates. Additionally, such Notice shall be posted continuously on the City’s website for at least forty-five days before the date tentatively set for the passage of the ordinance authorizing the issuance of the Certificates.

Section 3. All costs to be reimbursed pursuant to this Resolution will be capital expenditures and the Certificates shall be issued within 18 months of the later of (i) the date the expenditures are paid or (ii) the date on which the property, with respect to which such expenditures were made, is placed in service; and the foregoing notwithstanding, the Certificates will not be issued on a date that is more than three years after the date any expenditure which is to be reimbursed is paid.

Section 4. The facilities and improvements to be financed with proceeds from the Certificates are to be used for the purposes described in the Notice.

Section 5. This Resolution shall become effective immediately upon adoption.

## EXHIBIT A

## NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION FOR THE CITY OF MARSHALL, TEXAS

The City Council of the City of Marshall, Texas, shall convene a meeting at 6:00 P.M. on July 6, 2023, at City Hall, 401 S Alamo Boulevard, City Council Chambers, Marshall, TX 75670 and during such meeting, the City Council will consider the passage of an ordinance or ordinances authorizing the issuance of one or more series of interest bearing certificates of obligation in the aggregate principal amount not to exceed $2,055,000, for paying all or a portion of the City's contractual obligations to be incurred in connection with (1) the planning, acquisition, design, and construction of a flood management detention pond and (2) paying legal, fiscal, engineering, architectural and other professional services in connection with these projects. Such certificates are to be made payable from ad valorem taxes and a lien on and limited pledge of surplus revenues of the City's drainage system. The certificates are to be issued, and this notice is given, under and pursuant to the provisions of Texas Local Government Code, Chapter 271, Subchapter C.

The following information is provided to follow Tex. H.B. 477, 86 Leg., R.S. (2019). The current principal of all outstanding debt obligations of the City is $3,114,000. The current combined principal and interest on all outstanding debt obligations of the City, paid on time and in full, is $3,350,439. The maximum principal amount of the certificates to be authorized is $2,055,000 and the estimated combined principal and interest required to pay the certificates to be authorized on time and in full is $2,055,000. The maximum interest rate for the certificates may not exceed the maximum legal interest rate. The maximum maturity date of the certificates to be authorized is June 15, 2048. The above information excludes $3,130,000 in principal amount of outstanding obligations the City has designated as self-supporting being the City’s Certificates of Obligation, Series 2017; General Obligation Refunding Bonds, Series 2019 and Limited Tax Notes, Series 2020. Information regarding these items may be obtained during business hours from the City Manager, 401 S Alamo Boulevard, Marshall, TX 75670, Phone: 903-935-4421, www.marshalltexas.net.

A RESOLUTION OF THE TEXAS WATER DEVELOPMENT BOARD
APPROVING AN APPLICATION FOR FINANCIAL ASSISTANCE IN THE AMOUNT OF
$3,159,000 TO THE CITY OF MARSHALL FROM THE FLOOD INFRASTRUCTURE FUND
THROUGH THE PROPOSED PURCHASE OF
$2,055,000 CITY OF MARSHALL, TEXAS COMBINATION TAX & SURPLUS REVENUE
CERTIFICATES OF OBLIGATION, PROPOSED SERIES 2023
AND
THE EXECUTION OF A GRANT AGREEMENT IN THE AMOUNT OF $1,104,000

(23 -  )

WHEREAS, the City of Marshall (City), located in Harrison County, Texas, has filed an application for financial assistance from the Flood Infrastructure Fund (FIF) in accordance with Texas Water Code Chapter 15, Subchapter I, to finance the construction of a flood project, identified as Project No. 40199; and

WHEREAS, the City seeks financial assistance from the Texas Water Development Board (TWDB) in the amount of  $3,159,000 through the TWDB's proposed purchase of $2,055,000 City of Marshall, Texas Combination Tax & Surplus Revenue Certificates of Obligation, Proposed Series 2023 (together with all authorizing documents, and $1,104,000 through execution of a Grant Agreement (Obligations), all as is more specifically set forth in the application and in recommendations of the Executive Administrator's staff; and

WHEREAS, the City has offered a pledge of ad valorem taxes and drainage system revenues as sufficient security for the repayment of the Obligations; and

WHEREAS, the TWDB hereby finds:

1. that the application and financial assistance requested meet the requirements of Texas Water Code, Chapter 15, Subchapter I; 31 TAC Chapter 363, Subchapters A and D; and the State Fiscal Year 2020 Flood Intended Use Plan (FIUP);

2. the City has demonstrated a sufficient level of cooperation among eligible political subdivisions and has included all of the eligible political subdivisions substantially affected by the flood project in accordance with Texas Water Code § 15.536(2);

3. that in its opinion the taxes or revenues pledged by the City will be sufficient to meet all Obligations assumed by the City in accordance with Texas Water Code § 15.536(3);

4. that the City is eligible to receive grant funding in accordance with Texas Water Code § 15.534 and the FIUP; and

5. that the City has demonstrated that the benefit-cost ratio of the Project meets the requirements of the FIUP; and

6. that the request for financial assistance does not include redundant funding for activities already performed and/or funded through another source, in accordance with the FIUP; and

7. that the Project was developed using the best and most recent available data, in accordance with the FIUP; and

8. that the City has documented that it has planned for operations and maintenance costs associated with the Project, in accordance with the FIUP; and

9. that the City has considered possible floodwater capture techniques that could be associated with the Project for water supply purposes, in accordance with the FIUP; and

NOW THEREFORE, based on these findings, the TWDB resolves as follows:

A commitment is made by the TWDB to City of Marshall for financial assistance in the amount of $3,159,000 from the Flood Infrastructure Fund, to be evidenced by the TWDB's proposed purchase of $2,055,000 City of Marshall, Texas Combination Tax & Surplus Revenue Certificates of Obligation, Proposed Series 2023 and execution of a Grant Agreement in the amount of $1,104,000. This commitment will expire on October 31, 2023; however, the Executive Administrator may, at his discretion, grant up to one extension for a maximum of three months.

Such commitment is conditioned as follows:

Standard Conditions:

1. this commitment is contingent on availability of TWDB funds on hand;

2. this commitment is contingent upon the issuance of a written approving opinion of the Attorney General of the State of Texas stating that the City has complied with all of the requirements of the laws under which said Obligations were issued, that said Obligations were issued in conformity with the Constitution and laws of the State of Texas, and that said Obligations are valid and binding obligations of the City;

3. this commitment is contingent upon the City's continued compliance with all applicable laws, rules, policies, and guidance (as these may be amended from time to time to adapt to a change in law, in circumstances, or any other legal requirement), including but not limited to 31 TAC Chapter 363;

4. the City shall use a paying agent/registrar in accordance with 31 TAC § 363.42(c)(2);

5. the City must immediately notify TWDB, in writing, of any suit against it by the Attorney General of Texas under Texas Penal Code § 1.10(f) (related to federal laws regulating firearms, firearm accessories, and firearm ammunition);

<u>The Following Conditions Must Be Included in the Obligations:</u>

6. the Obligations must provide that the City will comply with all applicable TWDB laws and rules related to the use of the financial assistance;

7. the Obligations must provide that the City must comply with all conditions as specified in the final environmental finding of the Executive Administrator when issued, including the standard emergency discovery conditions for threatened and endangered species and cultural resources;

8. the Obligations must provide that the City will not begin construction for a portion of the Project until the environmental finding has been issued for that portion of the Project;

9. the Obligations must contain a provision requiring the City to maintain insurance coverage sufficient to protect the TWDB's interest in the project;

10. the Obligations must include a provision wherein the City, or an obligated person for whom financial or operating data is presented to the TWDB in the application for financial assistance either individually or in combination with other issuers of the City's Obligations or obligated persons, will, at a minimum, regardless of the amount of the Obligations, covenant to comply with requirements for continuing disclosure on an ongoing basis substantially in the manner required by Securities and Exchange Commission (SEC) in 17 CFR § 240.15c2-12 (Rule 15c2-12) and determined as if the TWDB were a Participating Underwriter within the meaning of such rule, such continuing disclosure undertaking being for the benefit of the TWDB and the beneficial owners of the City's Obligations, if the TWDB sells or otherwise transfers such Obligations, and the beneficial owners of the TWDB's bonds if the City is an obligated person with respect to such bonds under SEC Rule 15c2-12;

11. the Obligations must contain a provision requiring the City to levy a tax and/or maintain and collect sufficient rates and charges to produce revenues in an amount necessary to meet the debt service requirements of all outstanding obligations and to maintain the funds established and required by the Obligations;

12. the Obligations must a include a provision requiring a final accounting to be made of the total sources and authorized use of Project funds within 60 days of the completion of the Project;

13. the Obligations must include a provision requiring the City to deposit any bond proceeds from the Obligations that are determined to be surplus proceeds remaining after completion of the Project and completion of a final accounting, including any interest earned on the bond proceeds, into the Interest and Sinking Fund;

14. the Grant Agreement must include a provision stating that the City shall either return or deposit into the Interest and Sinking Fund any grant funds that are determined to be surplus funds remaining after completion of the Project and completion of a final accounting, including any interest earned on the grant funds;

15. the Obligations must contain a provision that the TWDB may exercise all remedies available to it in law or equity, and any provision of the Obligations that restricts or limits the TWDB's full exercise of these remedies shall be of no force and effect;

16. financial assistance proceeds are public funds and, as such, the Obligations must include a provision requiring that these proceeds shall be held at a designated state depository institution or other properly chartered and authorized institution in accordance with the Public Funds Investment Act, Government Code, Chapter 2256 and the Public Funds Collateral Act, Government Code, Chapter 2257;

17. financial assistance proceeds shall not be used by the City when sampling, testing, removing or disposing of contaminated soils and/or media at the Project site. The Obligations shall include an environmental indemnification provision wherein the City agrees to indemnify, hold harmless and protect the TWDB from any and all claims, causes of action or damages to the person or property of third parties arising from the sampling, analysis, transport, storage, treatment, recycling, and disposition of any contaminated sewage sludge, contaminated sediments, and/or contaminated media that may be generated by the City, its contractors, consultants, agents, officials, and employees as a result of activities relating to the Project to the extent permitted by law;

18. the Obligations must contain a provision stating that the City shall abide by all applicable construction contract requirements related to the use of iron and steel products produced in the United States, as required by Texas Government Code, Chapter 2252, Subchapter G;

19. the Obligations must provide that the City will not cause or permit the Obligations to be treated as "federally guaranteed" obligations within the meaning of § 149(b) of the Code;

20. the Obligations must contain a covenant that the City will refrain from using the proceeds of the Obligations to pay debt service on another issue of obligations of the borrower in contravention of section 149(d) of the Code (related to "advance refundings");

21. the Obligations must contain a provision requiring the City to submit quarterly status reports on the progress of the project that details information requested by the Executive Administrator. The Executive Administrator may withhold authorization to release funds from escrow or adjust the amount of funds to be released from escrow based on the receipt of the quarterly status reports and the projected quarterly needs for the project.

<u>Pledge Conditions for the Loan</u>

22. the Obligations must require the accumulation of a reserve fund of no less than average annual debt service requirements, to be accumulated in equal monthly installments over the initial sixty (60) months following the issuance of the Obligations;

23. if the City has existing revenue obligations with the same pledge of security as the proposed Obligations that will remain outstanding after the term of any financial assistance made by the TWDB pursuant to this commitment, the Obligations must contain a provision providing that the lien or liens securing the Obligations issued to the TWDB shall be at least on a parity with lien or liens securing such outstanding obligations;

24. the Obligations must contain a provision providing that additional revenue obligations may only be incurred if net system revenues are at least 1.25 times the average annual debt service requirements after giving effect to the additional obligations when net revenues are a) determined from the last completed fiscal year or a 12 consecutive calendar month period ending not more than ninety (90) days preceding the adoption of the additional obligations as certified by a certified public accountant; or b) the City certifies that the City is expected to continue to meet or exceed the net system revenue test with a minimum coverage of 1.25 times the average annual debt service requirement. An authorized representative of the City must provide the calculations, identifying reasonable assumptions, in a manner and format that is acceptable to the Executive Administrator;

25. the Obligations must contain a provision that provides as follows:

    a. if system revenues are actually on deposit in the Interest and Sinking Fund in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes which otherwise would have been required to be levied and collected may be reduced to the extent and by the amount of revenues then on deposit in the Interest and Sinking Fund; or

    b. if surplus revenues are based upon budgeted amounts:

        i. the Obligations must include a requirement that the City transfer and deposit in the Interest and Sinking Fund each month an amount of not less than 1/12th of the annual debt service on the Obligations until the amount on deposit in the Interest and Sinking Fund equals the amount required for annual debt service on the Obligations; further, that the ordinance authorizing the issuance of the Obligations must include a requirement that the City shall not transfer any funds from the City's pledged system revenues to any fund other than the Interest and Sinking Fund until such time as an amount equal to the annual debt service on the Obligations for the then-current fiscal year has been deposited in the Interest and Sinking Fund;

the Obligations must include a requirement that for each year the Obligations are outstanding, and prior to the time taxes are to be levied for such year, the City shall establish, adopt, and maintain an annual budget that provides for either the monthly deposit of sufficient surplus pledged revenues and/or tax revenues, the monthly deposit of any other legally available funds on hand at the time of the adoption of the annual budget, or a combination thereof, into the Interest and Sinking Fund for the repayment of the Obligations; and

ii. the Obligations must include a requirement that the City shall at all times maintain and collect sufficient rates and charges so that after payment of the costs of operating and maintaining the project, it produces revenues in an amount not less than 1.10 times debt service requirements of all outstanding Obligations of the City and other obligations of the City that are secured in whole or in part by the pledged revenues, for which the City is budgeting the repayment of such Obligations, or the City shall provide documentation that evidences the levy and collection of an ad valorem tax rate dedicated to the Interest and Sinking Fund, in conjunction with any other legally available funds, sufficient for the repayment of debt service requirements;

Conditions to Close or for Release of Funds:

26. prior to closing, the City shall submit documentation evidencing the adoption and implementation of sufficient system rates and charges or, if applicable, the levy of an interest and sinking tax rate sufficient for the repayment of all system debt service requirements;

27. prior to release of funds for the relevant services, and if required under the TWDB's financial assistance program and if not previously provided with the application, the City shall submit executed contracts for engineering and, if applicable, financial advisor and bond counsel, for the Project that are satisfactory to the Executive Administrator. Fees to be reimbursed under the contracts must be reasonable in relation to the services performed, reflected in the contract, and

acceptable to the Executive Administrator;

28. prior to closing, when any portion of financial assistance is to be held in escrow or in trust, the City shall execute an escrow agreement or trust agreement, approved as to form and substance by the Executive Administrator, and shall submit that executed agreement to the TWDB;

29. prior to closing, the City's bond counsel must prepare a written, unqualified approving opinion acceptable to the executive administrator. Bond counsel may rely on covenants and representations of the City when rendering this opinion;

30. prior to release of funds for construction, the City must provide the TWDB with evidence that the necessary acquisitions of land, leases, easements, and rights-of-way have been completed, or that the City has the legal authority necessary to complete the acquisitions;

PROVIDED, however, the commitment is subject to the following special condition:

<u>Special Condition:</u>

31. prior to closing, the City shall execute a Grant Agreement in a form and substance acceptable to the Executive Administrator.

APPROVED and ordered of record this, the 4th Day of May, 2023.

TEXAS WATER DEVELOPMENT BOARD

______________________________

Brooke T. Paup, Chairwoman

DATE SIGNED: ____________________

ATTEST:

______________________________

Jeff Walker
Executive Administrator

Texas Water Development Board

# Flood Infrastructure Fund Intent to Apply

## Instructions

Indicate below your intention to apply for funding from the Flood Infrastructure Fund (FIF). In addition, please complete the Statement of Funding section outlining all funding sources intended for your project, including specifically identifying the amount of FIF funding for which you intend to apply. Please submit this document as an attachment to FIF@twdb.texas.gov **no later than Friday, January 7, 2022.**

**Failure to return this form by the deadline will be considered as no intention to apply and your project will not be considered for funding.**

## General Information

Entity Name City of Marshall

Project Name (as listed in the Flood Prioritization List) Parker Creek Detention Pond

Abridged Application Number 13710

## Intent to Apply

☑ Yes ☐ No

## Statement of Funding

Please indicate below the funding sources anticipated to sufficiently fund the project and the dollar amounts applicable. Entities may either use its own available funds or borrow FIF funds at 0% for any portion of the required local share not provided through the FIF grant funds. Please indicate if the entity is interested in FIF 0% loan at this time. Other funding sources must be committed/awarded or under consideration by the funding agency. If federal funding is a source, the award must be confirmed prior to commitment by the TWDB. Please indicate the specific source and federal disaster number in the box below. While you may propose to use in-kind services on this form, any proposal must receive TWDB's approval.

| **Sources of Funding** | **Amount ($)** |
|---|---|
| a. Federal Funding<br>Disaster Number | $ 0.00 |
| b. Local Contribution<br>(All cash/loan/bond proceeds/non-federal grant sources **excluding FIF**) | $ 0.00 |
| c. In-Kind Contribution (estimated value) | $ 0.00 |
| d. TWDB FIF Grant | $ 1,105,650.00 |
| e. TWDB FIF Loan | $ 2,053,350.00 |
| f. Applicant's Own Funds (in lieu of FIF 0% loan) | $ 0.00 |
| **TOTAL PROJECT COST (*equals a+b+c+d+e+f*)** | $ 3,159,000.00 |

Signature Eric Powell Digitally signed by Eric Powell Date: 2022.01.04 11:20:24 -06'00'

Title Director of Public Works/City Engineer

Printed Eric Powell, P.E.

Email Address powell.eric@marshalltexas.net

# PRESS RELEASE:
# PARKER CREEK DETENTION POND PROJECT GRANT SUBMITTAL

The City of Marshall is submitting an application to the Texas Water Development Board under the "*Flood Infrastructure Fund (FIF)"* program for the proposed Parker Creek Detention Pond project. Passed by the Legislature and approved by Texas voters through a constitutional amendment, the FIF program provides financial assistance in the form of loans and grants for flood control, flood mitigation, and drainage projects. The purpose of this project is to reduce flooding of US Hwy 59 and US Hwy 80 in Marshall, Texas where US Hwy 59 is a designated hurricane evacuation route.

Construction of the proposed Parker Creek Detention Pond will significantly reduce the frequency and depth of flooding at the US Highway 80 and US Highway 59 road crossings of Parker Creek. The proposed Parker Creek Detention Pond will be constructed on a 33.565-acre tract of land owned by the City of Marshall. The detention pond as proposed will have permanent body of water of approximately 20 acres which will enhance the use of the property as a municipal park for the citizens of Marshall. Major features of the proposed detention pond include: 1) an earthen embankment of approximately 1,000 feet length with a maximum height of 20 feet, 2) a reinforced concrete principal spillway conduit of 10 feet span by 6 feet rise by 150 LF length and 3) an concrete-lined emergency spillway of 200 feet crest length.

Total amount requested through the program is $3,160,000 which represent the design and construction costs for the project.

**PROJECT LOCATION:**

Texas Water Development Board

**PROJECT FUNDING REQUEST**

**BOARD DATE:** May 4, 2023 **PRESENTED BY:** Joe Koen

**ACTION REQUESTED**
Consider approving by resolution a request from the City of Marshall (Harrison County) for $3,155,650 in financial assistance consisting of $2,050,000 in financing and $1,105,650 in grant from the Flood Infrastructure Fund for the planning, design, and construction of a flood management project.

**STAFF RECOMMENDATION**
☒ Approve ☐ No Action

**PROJECT NAME AND NUMBER**
Parker Creek Detention Pond 40199

**BACKGROUND**
Passed by the 86th Texas Legislature and approved by voters through a constitutional amendment, the Flood Infrastructure Fund (FIF) was created to provide funding for flood mitigation projects. The purpose of the FIF, as outlined in Senate Bill 7, is to assist in financing drainage, flood mitigation, and flood control projects. FIF projects presented for consideration have been scored and ranked using prioritization criteria outlined in 31 Texas Administrative Code § 363.404 and further specified in the Flood Intended Use Plan. The prioritized list of projects was approved by the Board on September 17, 2020.

The City of Marshall (City) is in Harrison County and located approximately 60 miles west east of the City of Tyler. The City's extraterritorial jurisdiction is approximately 18,980 acres and has an estimated population of 24,700 residences.

**PROJECT NEED AND DESCRIPTION**
The City has experienced significant flooding at the U. S. Highway 80 and U. S. Highway 59 road crossings of Parker Creek. U.S. Highway 59 is a designated hurricane evacuation route and is subject to frequent inundation from Parker Creek flood waters, limiting the reliability and safety of this route.

The City is requesting funds for planning, design, and construction of a detention pond along Parker Creek. The Parker Creek detention pond will include approximately 1,000 linear feet of embankment, a 200 linear feet spillway, and 200 linear feet of concreate lined emergency spillway. Construction of the Parker Creek detention pond will reduce the frequency of flooding along U.S. Highway 80 and U.S. Highway 59 from a 2-year storm event to a 25-year storm event.

**COMMITMENT PERIOD:** SIX (6) MONTHS TO EXPIRE NOVEMBER 30, 2023

**PROJECT SCHEDULE**

| Task | Schedule Date |
|---|---|
| Closing | July 1, 2023 |
| Engineering Feasibility Report Completion<br>(End of Planning Phase) | October 30, 2023 |
| Design Phase Completion | April 1, 2024 |
| Start of Construction | June 1, 2024 |
| Construction Completion | December 31, 2024 |

**KEY ISSUES**

The City's project is eligible under Category 2 of the 2020 Flood Intended Use Plan. This category of funding was designed for planning, acquisition, design, and construction activities to implement flood mitigation projects. Category 2 projects are eligible to receive up to 70 percent in grant funding. Recipients of financial assistance may either use their own available funds or borrow FIF funds at zero percent for any portion of the required local share not provided through FIF grant funds.

The City qualified for a $1,105,650 grant under the FIF equal to 35 percent of the total project costs.

**<u>LEGAL/SPECIAL CONDITIONS</u>**

- Executed Grant Agreement

Attachments

1. Financial Review
2. Project Budget
3. Resolution (23- )
4. Location Map

# Financial Review
# City of Marshall

Attachment 1

Risk Score: 2B

Audit Reviewed: FY 2021

**Key Indicators**

| Indicator | Result | Benchmark |
|---|---|---|
| Population Growth, Average Annual 2010-2020 | City: -0.06% | State: 1.49% |
| Top 10 Taxpayers % of Total Revenue | 8% | 10-15% |
| Median Household Income as % of State | 67% | 100% |
| Days of Cash on Hand (3-year Average) | 136 days | 30-149 days |
| Self-supporting debt-to-operating revenue | 0.00x | 4.00-5.99x |
| Debt Service Coverage Ratio | 1.19x | 1.1x |
| Unemployment Rate (January 2023) | Marshall: 4.8% | State: 4.2% |
| Net Direct Debt/Total Assessed Valuation | .53% | 2-4.99% |
| Working Capital Ratio | 200 | > 1.0 |

**Key Risk Score Strengths**

- The proposed debt is secured by taxes and drainage system revenues; however, drainage system revenues alone are sufficient to cover the proposed debt.
- Debt-to-operating revenue is zero which is below the benchmark because the City's outstanding debt is not secured by drainage revenues.
- The top ten customers as a percentage of total tax revenues is below the benchmark indicating that the City is not reliant on a single taxpayer.
- A high working capital ratio provides the City with ample resources to cover short-term liabilities and shows a strong liquidity position.

**Key Risk Score Concerns**

- The population of the City has declined slightly according to the census data, but the number of connections for water and sewer services has remained stable.
- The 2021 audit had a material finding for not verifying vendors for suspension or debarment, but this issue has been resolved.

**PLEDGE**

| | |
|---|---|
| Legal Pledge Name | Ad Valorem Tax and Surplus Drainage Revenues |
| Type of Pledge | ☐ Tax ☐ Revenue ☒ Tax & Revenue ☐ Contract ☐ Other |
| Revenue Pledge Level | ☐ First ☐ Second ☒ Third ☐ N/A |

**RATES AND CHARGES**

| Average Residential Use | Gallons/Month | Current Rates | Projected Rates 2023 | Current Household Cost Factor | Projected Household Cost Factor |
|---|---|---|---|---|---|
| Drainage | N/A | $3.50 | $3.50 | .10 | 1.0 |

**TAXES**

| | 2022 Tax Year Rate | Max Projected Tax Rate | Maximum Allowable Rate | 3-Year Avg Current Tax Collections | Assessed Valuation |
|---|---|---|---|---|---|
| Maintenance & Operation | $0.089 | $0.089 | $2.50 | 94% | $1,247,220,079 |
| Interest & Sinking | $0.476 | $0.476 | | | |
| Total Tax Rate | $0.565 | $0.565 | | | |

<u>Cost Savings</u>
Based on a 19-year maturity schedule and current interest rates, the City could save approximately $754,961 over the life of the financing. The City is also saving $1,105,650 in grant funding.

Texas Water Development Board

# Project Data Summary

| | |
|---|---|
| **Responsible Authority** | Marshall |
| **Program** | FLOOD |
| **Commitment Number** | G1001589, L1001588 |
| **Project Number** | 40199 |
| **List Year** | 2020 |
| **Type of Pledge** | Combo Tax and Revenue |
| **Pledge Level (if applicable)** | Third Lien |
| **Legal Description** | $1,105,650 Grant Agreement, $2,050,000 City of Marshall, Texas Combination Tax & Surplus Revenue Certificates of Obligation, Proposed Taxable Series 2023 |
| **Tax-exempt or Taxable** | Taxable |
| **Refinance** | No |
| **Outlay Requirement** | Yes |
| **Disbursement Method** | Escrow |
| **Outlay Type** | Outlay = Escrow Release |
| **Qualifies as Disadvantaged** | No |
| **Financial Managerial & Technical Complete** | N/A |
| **Phases Funded** | Planning, Acquisition, Design, and Construction |
| **Pre-Design** | Yes |
| **Project Consistent with State Water Plan** | N/A |
| **Water Conservation Plan** | Exempt |
| **Overall Risk Score** | 2B |

| PROJECT TEAM | | | | |
|---|---|---|---|---|
| **Team Manager** | **Financial Analyst** | **Engineering Reviewer** | **Environmental Reviewer** | **Attorney** |
| Joe Koen | Caaren Skrobarczyk | Jeannine Amos | Kylie Beard | Breann Hunter |

ISSUE BEING EVALUATED
FOR ILLUSTRATION PURPOSES ONLY
City of Marchall

**$2,050,000 City of Marshall, Texas Tax and Surplus Drainage Revenue Certificates of Obligation, Proposed Taxable Series 2023**

| | | | |
|---|---|---|---|
| **Dated Date:** | **7/1/2023** | **Source:** | **FIF** |
| **Delivery Date:** | **7/1/2023** | **Rate:** | **0.00%** |
| **First Interest:** | **7/1/2024** | **IUP Year:** | **2020** |
| **First Principal** | **7/1/2024** | **Case:** | **Tax and Revenue** |
| **Last Principal:** | **7/1/2042** | **Admin.Fee:** | **$0** |
| **Fiscal Year End:** | **12/31** | **Admin. Fee Payment Date:** | **N/A** |
| **Required Coverage:** | **1.1** | **Total Assessed Valuation:** | **$1,247,220,079** |

| | | | | | | $2,050,000 ISSUE | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| FISCAL YEAR | CURRENT TAX RATE | TAX REVENUES WITH COLL. @ 94% | PROJECTED NET SYSTEM REVENUES | PROJECTED TOTAL REVENUES | CURRENT DEBT SERVICE | PRINCIPAL PAYMENT | INTEREST RATE | INTEREST PAYMENT | TOTAL PAYMENT | TOTAL DEBT SERVICE | COVERAGE |
| 2024 | $0.089 | $1,043,424 | $345,163 | $1,388,587 | $1,081,623 | $85,000 | 0.00% | $0 | $85,000 | $1,166,623 | 1.19 |
| 2025 | $0.089 | 1,043,424 | $345,163 | 1,388,587 | 1,077,465 | 85,000 | 0.00% | - | 85,000 | 1,162,465 | 1.19 |
| 2026 | $0.089 | 1,043,424 | $345,163 | 1,388,587 | 1,078,703 | 90,000 | 0.00% | - | 90,000 | 1,168,703 | 1.19 |
| 2027 | $0.089 | 1,043,424 | $345,163 | 1,388,587 | 1,087,409 | 90,000 | 0.00% | - | 90,000 | 1,177,409 | 1.18 |
| 2028 | $0.089 | 1,043,424 | $345,163 | 1,388,587 | 367,384 | 95,000 | 0.00% | - | 95,000 | 462,384 | 3.00 |
| 2029 | $0.089 | 1,043,424 | $345,163 | 1,388,587 | 367,618 | 95,000 | 0.00% | - | 95,000 | 462,618 | 3.00 |
| 2030 | $0.089 | 1,043,424 | $345,163 | 1,388,587 | 216,463 | 95,000 | 0.00% | - | 95,000 | 311,463 | 4.46 |
| 2031 | $0.089 | 1,043,424 | $345,163 | 1,388,587 | 216,954 | 100,000 | 0.00% | - | 100,000 | 316,954 | 4.38 |
| 2032 | $0.089 | 1,043,424 | $345,163 | 1,388,587 | 217,336 | 100,000 | 0.00% | - | 100,000 | 317,336 | 4.38 |
| 2033 | $0.089 | 1,043,424 | $345,163 | 1,388,587 | - | 105,000 | 0.00% | - | 105,000 | 105,000 | 13.22 |
| 2034 | $0.089 | 1,043,424 | $345,163 | 1,388,587 | - | 105,000 | 0.00% | - | 105,000 | 105,000 | 13.22 |
| 2035 | $0.089 | 1,043,424 | $345,163 | 1,388,587 | - | 110,000 | 0.00% | - | 110,000 | 110,000 | 12.62 |
| 2036 | $0.089 | 1,043,424 | $345,163 | 1,388,587 | - | 115,000 | 0.00% | - | 115,000 | 115,000 | 12.07 |
| 2037 | $0.089 | 1,043,424 | $345,163 | 1,388,587 | - | 115,000 | 0.00% | - | 115,000 | 115,000 | 12.07 |
| 2038 | $0.089 | 1,043,424 | $345,163 | 1,388,587 | - | 120,000 | 0.00% | - | 120,000 | 120,000 | 11.57 |
| 2039 | $0.089 | 1,043,424 | $345,163 | 1,388,587 | - | 125,000 | 0.00% | - | 125,000 | 125,000 | 11.11 |
| 2040 | $0.089 | 1,043,424 | $345,163 | 1,388,587 | - | 130,000 | 0.00% | - | 130,000 | 130,000 | 10.68 |
| 2041 | $0.089 | 1,043,424 | $345,163 | 1,388,587 | - | 135,000 | 0.00% | - | 135,000 | 135,000 | 10.29 |
| 2042 | $0.089 | 1,043,424 | $345,163 | 1,388,587 | - | 155,000 | 0.00% | - | 155,000 | 155,000 | 8.96 |
| | | | | | $5,710,954 | $2,050,000 | | $0 | $2,050,000 | $7,760,954 | |

| | |
|---|---|
| **AVERAGE (MATURITY) LIFE** | **10.88 YEARS** |
| **NET INTEREST RATE** | **0.000%** |
| **COST SAVINGS** | **$ 754,961** |
| **AVERAGE ANNUAL REQUIREMENT** | **$107,895** |

Disclaimer: This is a working document and is provided as a courtesy. All information contained herein, including the proposed interest rate, is subject to change upon further review of the TWDB in accordance with 31 Texas Administrative Code Chapters 363, 371, 375, or 384, as applicable. The TWDB does not function as a financial advisor to anyone in connection with this financing. The information contained in this document is used by TWDB staff to analyze the application for financing is illustrative only and does not constitute any guaranty of future rates. The TWDB makes no claim regarding the applicability of the information at closing, at which time actual rates will be set.

Texas Water Development Board

# Current Budget Summary

Attachment 2

**Marshall**

**40199 - Parker Creek Detention Pond**

Last Update: 3/31/2023

| Budget Items | TWDB Funds | Local Funds | Total |
|---|---|---|---|
| **Construction** | | | |
| Construction | $2,413,650.00 | $0.00 | $2,413,650.00 |
| **Subtotal for Construction** | **$2,413,650.00** | **$0.00** | **$2,413,650.00** |
| **Basic Engineering Services** | | | |
| Construction Engineering | $16,000.00 | $0.00 | $16,000.00 |
| Design | $129,000.00 | $0.00 | $129,000.00 |
| Planning | $25,000.00 | $0.00 | $25,000.00 |
| **Subtotal for Basic Engineering Services** | **$170,000.00** | **$0.00** | **$170,000.00** |
| **Special Services** | | | |
| Environmental | $50,000.00 | $0.00 | $50,000.00 |
| Geotechnical | $15,000.00 | $0.00 | $15,000.00 |
| Inspection | $31,000.00 | $0.00 | $31,000.00 |
| Permits - CLOMR/LOMR | $75,000.00 | $0.00 | $75,000.00 |
| Permits - US ACOE | $20,000.00 | $0.00 | $20,000.00 |
| Permits - Water Rights | $37,500.00 | $0.00 | $37,500.00 |
| Surveying | $13,500.00 | $0.00 | $13,500.00 |
| Testing | $30,000.00 | $0.00 | $30,000.00 |
| **Subtotal for Special Services** | **$272,000.00** | **$0.00** | **$272,000.00** |
| **Fiscal Services** | | | |
| Bond Counsel | $25,000.00 | $0.00 | $25,000.00 |
| Financial Advisor | $25,000.00 | $0.00 | $25,000.00 |
| Issuance Costs | $50,000.00 | $0.00 | $50,000.00 |
| **Subtotal for Fiscal Services** | **$100,000.00** | **$0.00** | **$100,000.00** |
| **Other** | | | |
| Land/Easements Acquisition (Mitigation) | $200,000.00 | $0.00 | $200,000.00 |
| **Subtotal for Other** | **$200,000.00** | **$0.00** | **$200,000.00** |
| **Total** | $3,155,650.00 | $0.00 | $3,155,650.00 |

A RESOLUTION OF THE TEXAS WATER DEVELOPMENT BOARD
APPROVING AN APPLICATION FOR FINANCIAL ASSISTANCE IN THE AMOUNT OF
$3,155,650 TO THE CITY OF MARSHALL FROM THE FLOOD INFRASTRUCTURE FUND
THROUGH THE PROPOSED PURCHASE OF
$2,050,000 CITY OF MARSHALL, TEXAS COMBINATION TAX & SURPLUS REVENUE
CERTIFICATES OF OBLIGATION, PROPOSED SERIES 2023
AND
THE EXECUTION OF A GRANT AGREEMENT IN THE AMOUNT OF $1,105,650

(23 - )



WHEREAS, the City of Marshall (City), located in Harrison County, Texas, has filed an application for financial assistance from the Flood Infrastructure Fund (FIF) in accordance with Texas Water Code Chapter 15, Subchapter I, to finance the planning, design, and construction of a flood project, identified as Project No. 40199; and

WHEREAS, the City seeks financial assistance from the Texas Water Development Board (TWDB) in the amount of $3,155,650 through the TWDB's proposed purchase of $2,050,000 City of Marshall, Texas Combination Tax & Surplus Revenue Certificates of Obligation, Proposed Series 2023 (together with all authorizing documents) (Obligations), and $1,105,650 through execution of a Grant Agreement, all as is more specifically set forth in the application and in recommendations of the Executive Administrator's staff; and

WHEREAS, the City has offered a pledge of ad valorem taxes and drainage system revenues as sufficient security for the repayment of the Obligations; and

WHEREAS, the TWDB hereby finds:

1. that the application and financial assistance requested meet the requirements of Texas Water Code, Chapter 15, Subchapter I; 31 TAC Chapter 363, Subchapters A and D; and the State Fiscal Year 2020 Flood Intended Use Plan (FIUP);

2. the City has demonstrated a sufficient level of cooperation among eligible political subdivisions and has included all of the eligible political subdivisions substantially affected by the flood project in accordance with Texas Water Code § 15.536(2);

3. that in its opinion the taxes or revenues pledged by the City will be sufficient to meet all Obligations assumed by the City in accordance with Texas Water Code § 15.536(3);

4. that the City is eligible to receive grant funding in accordance with Texas Water Code § 15.534 and the FIUP; and

5. that the City has demonstrated that the benefit-cost ratio of the Project meets the requirements of the FIUP; and

6. that the request for financial assistance does not include redundant funding for activities already performed and/or funded through another source, in accordance with the FIUP; and

7. that the Project was developed using the best and most recent available data, in accordance with the FIUP; and

8. that the City has documented that it has planned for operations and maintenance costs associated with the Project, in accordance with the FIUP; and

9. that the City has considered possible floodwater capture techniques that could be associated with the Project for water supply purposes, in accordance with the FIUP; and

10. that the current water audit has been completed by the City and filed with the TWDB in accordance with Texas Water Code § 16.0121.

NOW THEREFORE, based on these findings, the TWDB resolves as follows:

A commitment is made by the TWDB to City of Marshall for financial assistance in the amount of $3,155,650 from the Flood Infrastructure Fund, to be evidenced by the TWDB's proposed purchase of $2,050,000 City of Marshall, Texas Combination Tax & Surplus Revenue Certificates of Obligation, Proposed Series 2023 and execution of a Grant Agreement in the amount of $1,105,650. This commitment will expire on November 30, 2023; however, the Executive Administrator may, at his discretion, grant up to one extension for a maximum of three months.

Such commitment is conditioned as follows:

Standard Conditions:

1. this commitment is contingent on availability of TWDB funds on hand;

2. this commitment is contingent upon the issuance of a written approving opinion of the Attorney General of the State of Texas stating that the City has complied with all of the requirements of the laws under which said Obligations were issued, that said Obligations were issued in conformity with the Constitution and laws of the State of Texas, and that said Obligations are valid and binding obligations of the City;

3. this commitment is contingent upon the City's continued compliance with all applicable laws, rules, policies, and guidance (as these may be amended from time to time to adapt to a change in law, in circumstances, or any other legal requirement), including but not limited to 31 TAC Chapter 363;

4. the City shall use a paying agent/registrar in accordance with 31 TAC § 363.42(c)(2);

5. the City must immediately notify TWDB, in writing, of any suit against it by the Attorney General of Texas under Texas Penal Code § 1.10(f) (related to federal laws regulating firearms, firearm accessories, and firearm ammunition);

The Following Conditions Must Be Included in the Obligations:

6. the Obligations must provide that the City will comply with all applicable TWDB laws and rules related to the use of the financial assistance;

7. the Obligations must provide that the City must comply with all conditions as specified in the final environmental finding of the Executive Administrator when issued, including the standard emergency discovery conditions for threatened and endangered species and cultural resources;

8. the Obligations must provide that the City will not begin construction for a portion of the Project until the environmental finding has been issued for that portion of the Project;

9. the Obligations must contain a provision requiring the City to maintain insurance coverage sufficient to protect the TWDB's interest in the project;

10. the Obligations must include a provision wherein the City, or an obligated person for whom financial or operating data is presented to the TWDB in the application for financial assistance either individually or in combination with other issuers of the City's Obligations or obligated persons, will, at a minimum, regardless of the amount of the Obligations, covenant to comply with requirements for continuing disclosure on an ongoing basis substantially in the manner required by Securities and Exchange Commission (SEC) in 17 CFR § 240.15c2-12 (Rule 15c2-12) and determined as if the TWDB were a Participating Underwriter within the meaning of such rule, such continuing disclosure undertaking being for the benefit of the TWDB and the beneficial owners of the City's Obligations, if the TWDB sells or otherwise transfers such Obligations, and the beneficial owners of the TWDB's bonds if the City is an obligated person with respect to such bonds under SEC Rule 15c2-12;

11. the Obligations must contain a provision requiring the City to levy a tax and/or maintain and collect sufficient rates and charges to produce revenues in an amount necessary to meet the debt service requirements of all outstanding obligations and to maintain the funds established and required by the Obligations;

12. the Obligations must a include a provision requiring a final accounting to be made of the total sources and authorized use of Project funds within 60 days of the completion of the Project;

13. the Obligations must include a provision requiring the City to deposit any bond proceeds from the Obligations that are determined to be surplus proceeds remaining after completion of the Project and completion of a final accounting, including any interest earned on the bond proceeds, into the Interest and Sinking Fund;

14. the Grant Agreement must include a provision stating that the City shall either return or deposit into the Interest and Sinking Fund any grant funds that are determined to be surplus funds remaining after completion of the Project and completion of a final accounting, including any interest earned on the grant funds;

15. the Obligations must contain a provision that the TWDB may exercise all remedies available to it in law or equity, and any provision of the Obligations that restricts or limits the TWDB's full exercise of these remedies shall be of no force and effect;

16. financial assistance proceeds are public funds and, as such, the Obligations must include a provision requiring that these proceeds shall be held at a designated state depository institution or other properly chartered and authorized institution in accordance with the Public Funds Investment Act, Government Code, Chapter 2256 and the Public Funds Collateral Act, Government Code, Chapter 2257;

17. financial assistance proceeds shall not be used by the City when sampling, testing, removing or disposing of contaminated soils and/or media at the Project site. The Obligations shall include an environmental indemnification provision wherein the City agrees to indemnify, hold harmless and protect the TWDB from any and all claims, causes of action or damages to the person or property of third parties arising from the sampling, analysis, transport, storage, treatment, recycling, and disposition of any contaminated sewage sludge, contaminated sediments, and/or contaminated media that may be generated by the City, its contractors, consultants, agents, officials, and employees as a result of activities relating to the Project to the extent permitted by law;

18. the Obligations must contain a provision stating that the City shall abide by all applicable construction contract requirements related to the use of iron and steel products produced in the United States, as required by Texas Government Code, Chapter 2252, Subchapter G;

19. the Obligations must provide that the City will not cause or permit the Obligations to be treated as “federally guaranteed” obligations within the meaning of § 149(b) of the Code;

20. the Obligations must contain a covenant that the City will refrain from using the proceeds of the Obligations to pay debt service on another issue of obligations of the borrower in contravention of section 149(d) of the Code (related to “advance refundings”);

21. the Obligations must contain a provision requiring the City to submit quarterly status reports on the progress of the project that details information requested by the Executive Administrator. The Executive Administrator may withhold authorization to release funds from escrow or adjust the amount of funds to be released from escrow based on the receipt of the quarterly status reports and the projected quarterly needs for the project.

Pledge Conditions for the Loan:

22. the Obligations must contain a provision that provides as follows:

    a. if system revenues are actually on deposit in the Interest and Sinking Fund in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes which otherwise would have been required to be levied and collected may be reduced to the extent and by the amount of revenues then on deposit in the Interest and Sinking Fund; or

    b. if surplus revenues are based upon budgeted amounts:

        i. the Obligations must include a requirement that the City transfer and deposit in the Interest and Sinking Fund each month an amount of not less than 1/12th of the annual debt service on the Obligations until the amount on deposit in the Interest and Sinking Fund equals the amount required for annual debt service on the Obligations; further, that the ordinance authorizing the issuance of the;

        ii. Obligations must include a requirement that the City shall not transfer any funds from the City's pledged system revenues to any fund other than the Interest and Sinking Fund until such time as an amount equal to the annual debt service on the Obligations for the then-current fiscal year has been deposited in the Interest and Sinking Fund;

        iii. the Obligations must include a requirement that for each year the Obligations are outstanding, and prior to the time taxes are to be levied for such year, the City shall establish, adopt, and maintain an annual budget that provides for either the monthly deposit of sufficient surplus pledged revenues and/or tax revenues, the monthly deposit of any other legally available funds on hand at the time of the adoption of the annual budget, or a combination thereof, into the Interest and Sinking Fund for the repayment of the Obligations; and

iv. the Obligations must include a requirement that the City shall at all times maintain and collect sufficient rates and charges so that after payment of the costs of operating and maintaining the project, it produces revenues in an amount not less than 1.10 times debt service requirements of all outstanding Obligations of the City and other obligations of the City that are secured in whole or in part by the pledged revenues, for which the City is budgeting the repayment of such Obligations, or the City shall provide documentation that evidences the levy and collection of an ad valorem tax rate dedicated to the Interest and Sinking Fund, in conjunction with any other legally available funds, sufficient for the repayment of debt service requirements;

Conditions to Close or for Release of Funds:

23. prior to closing, the City shall submit documentation evidencing the adoption and implementation of sufficient system rates and charges or, if applicable, the levy of an interest and sinking tax rate sufficient for the repayment of all system debt service requirements;

24. prior to release of funds for the relevant services, and if required under the TWDB's financial assistance program and if not previously provided with the application, the City shall submit executed contracts for engineering and, if applicable, financial advisor and bond counsel, for the Project that are satisfactory to the Executive Administrator. Fees to be reimbursed under the contracts must be reasonable in relation to the services performed, reflected in the contract, and acceptable to the Executive Administrator;

25. prior to closing, when any portion of financial assistance is to be held in escrow or in trust, the City shall execute an escrow agreement or trust agreement, approved as to form and substance by the Executive Administrator, and shall submit that executed agreement to the TWDB;

26. prior to closing, the City's bond counsel must prepare a written, unqualified approving opinion acceptable to the executive administrator. Bond counsel may rely on covenants and representations of the City when rendering this opinion;

27. prior to release of funds for construction, the City must provide the TWDB with evidence that the necessary acquisitions of land, leases, easements, and rights-of-way have been completed, or that the City has the legal authority necessary to complete the acquisitions;

PROVIDED, however, the commitment is subject to the following special condition:

Special Condition:

28. prior to closing, the City shall execute a Grant Agreement in a form and substance acceptable to the Executive Administrator.

APPROVED and ordered of record this, the 4th day of May 2023.

TEXAS WATER DEVELOPMENT BOARD

________________________________

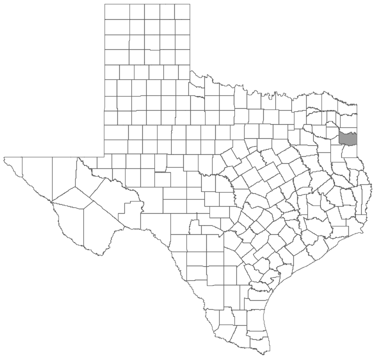
Brooke T. Paup, Chairwoman

DATE SIGNED: ______________________

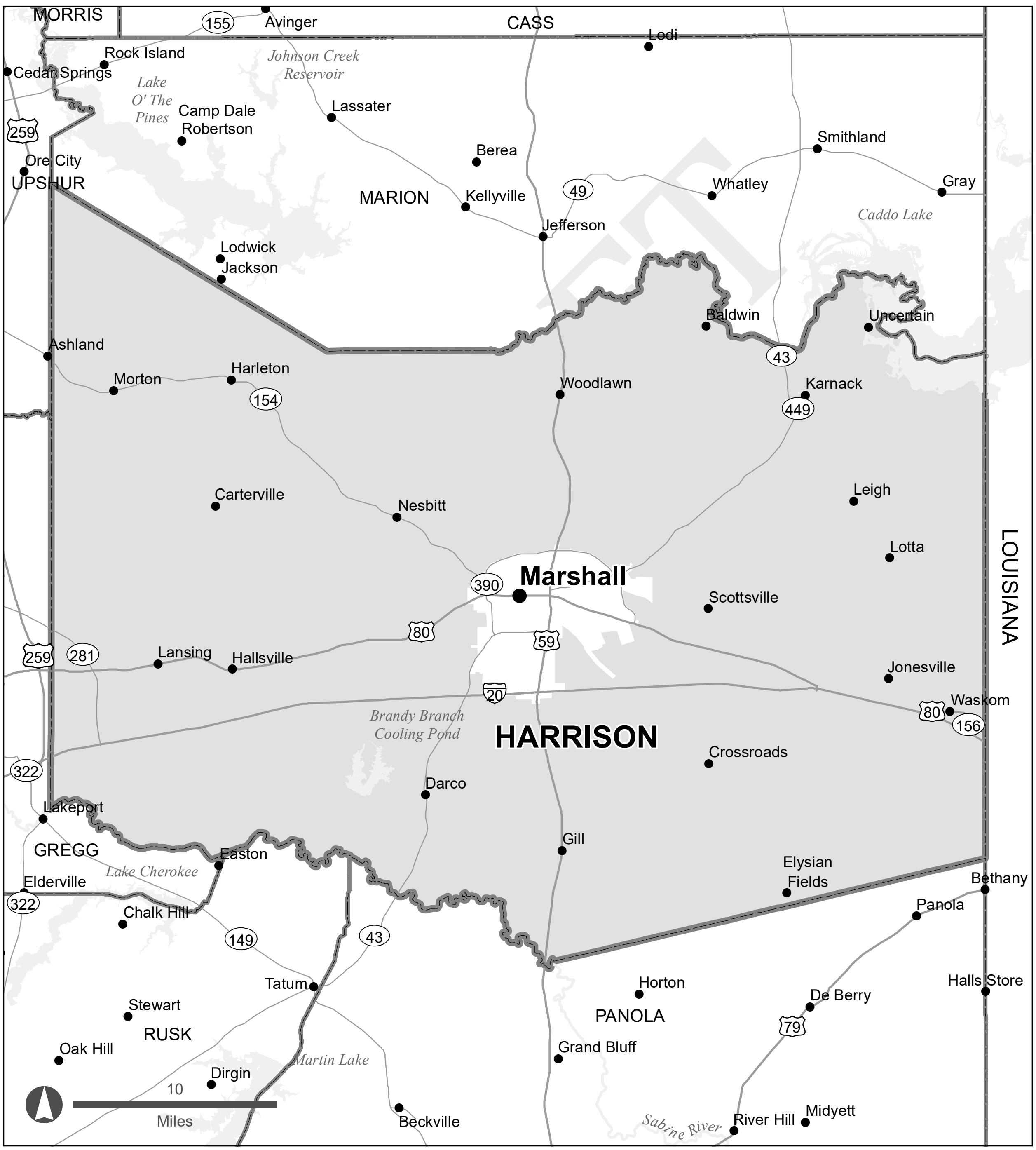
ATTEST:

___________________________________

Jeff Walker, Executive Administrator



# City of Marshall
# Harrison County



| | | |
|---|---|---|
| | TO: | City Council |
| | DATE: | May 11, 2023 |
| | ITEM #: | 9.A |
| | SUBJECT: | Consider Approval to Award a Contract for the Supply of Fuel for the City of Marshall |

**Recommendation for Action:** Consider Approval to Award a Contract for the Supply of Fuel for the City of Marshall

**Executive Summary:** The City of Marshall requested sealed bids for the supply of approximately 120,000 gallons of 87 octane unleaded fuel and approximately 100,000 gallons of No. 2 diesel fuel annually as required by the City. The advertisement for bids was published in the April 16 and April 23 editions of the Marshall News Messenger. The bid opening was held on Tuesday, May 2, 2023, at 3:00 p.m. One bid proposal was submitted.

Pete McCarty Oil Co., Inc. of Marshall, Texas, submitted a proposal to provide 87 octane unleaded fuel and No. 2 diesel fuel to the City of Marshall in accordance with the bid specifications for the profit margin of $0.10 per gallon for each fuel type.

Per the bid specifications, the awarded contract shall have an initial term of one year and may be renewed for a second and third annual period provided both parties agree to such extension, subject to City Council approval.

It is the staff recommendation that the City Council award the contract for the supply of unleaded fuel and diesel fuel to Pete McCarty Oil Co., Inc.

**Budget Cost:** Profit margin of $0.10 per gallon

**Staff Contact:** Randy Pritchard, Support Services Director

**Attachments:**
1. Bid Tabulation - 2023-FUEL-001
2. Contract - 2023-FUEL-001

# BID TABULATION

City Project: Supply of Unleaded Fuel and Diesel Fuel

Bid Number: 2023-FUEL-001

Bid Opening: 3:00 p.m. Tuesday, May 2, 2023

Prepared By: Randy Pritchard, Support Services Director
Alex Agnor, Assistant Finance Director

| Description | Pete McCarty Oil Co., Inc. |
|---|---|
| Approximately 120,000 gallons of 87 Octane Unleaded Fuel | Profit Margin: $0.10 per gallon |
| 87 Octane Unleaded Fuel – Manufacturer | Unbranded |
| Approximately 100,000 gallons No. 2 Diesel Fuel | Profit Margin: $0.10 per gallon |
| No. 2 Diesel Fuel – Manufacturer | Unbranded |
| Refueling Site Location(s) | 3900 East End Blvd. South,<br>Marshall, TX 75672 |
| Local Bidder | Yes |

# CITY OF MARSHALL, TEXAS
**(Bid No. 2023-FUEL-001)**

## Contract and Agreement

This contract and agreement is entered into by and between the City of Marshall, Texas and Pete McCarty Oil Co., Inc. of Marshall, Texas.

I. **Contracting Parties:**

Receiving Party: **City of Marshall, Texas**

Performing Party: **Pete McCarty Oil Co., Inc.**

II. **Statement of Services to be performed:**

Furnish 87 octane unleaded fuel and Number 2 diesel fuel to the City of Marshall within the time period designated and for the price(s) stated by the bidder in their bid proposal for Bid No. 2023-FUEL-001 signed and dated on April 25, 2023. Bid No. 2023-FUEL-001, including the terms and conditions contained therein, is incorporated and made a part of this contract by reference as if fully set forth and copied at length.

III. **Contract Amount:**

Pete McCarty Oil, Co., Inc. of Marshall, Texas agrees to furnish approximately 120,000 gallons of 87 octane unleaded fuel and approximately 100,000 gallons of Number 2 diesel fuel to the City of Marshall for a profit margin of **$0.10/per gallon**.

IV. **Payment for Goods or Services:**

The Receiving Party shall pay the Performing Party for goods or services within thirty (30) days from receipt of properly submitted itemized bill(s) signed by authorized City employees.

V. **Term of Contract:**

Initial Period of Contract: This contract is to begin on **June 1, 2023 and end on May 31, 2024.**

The contract may be renewed for second and third annual period provided both parties agree to such extension in writing no less than sixty (60) days prior to the end of each annual period. Contract renewals are subject to City Council approval. It is further conditioned that any annual price increase proposed cannot exceed the CONSUMER PRICE INDEX for the previous twelve (12) month period.

**RECEIVING PARTY**

Receiving Party certifies that it has authority to contract for the above services.

City of Marshall, Texas
P.O Box 698
Marshall, Texas

**Name of Receiving Party**

________________________________ **Authorized Signature**

________________________________ **Date**

**PERFORMING PARTY**

The undersigned signatory for the Performing Party hereby represents and warrants that she/he is an officer of the organization for which she/he has executed this Contract; and that the officer has full and complete authority to enter into this contract on behalf of the Performing Party.

Pete McCarty Oil Co., Inc.
P.O. BOX 1436
Marshall, TX 75671

**Name of Performing Party**

________________________________ **Authorized Signature**

________________________________ **Date**

City of MARSHALL TEXAS

| | |
|---|---|
| TO: | City Council |
| DATE: | May 11, 2023 |
| ITEM #: | 9.B |
| SUBJECT: | Presentation of the semi-annual report by the Marshall Economic Development Corporation. |

**Recommendation for Action**:

**Executive Summary**:

**Budget Cost**:

**Staff Contact:**

**Attachments:** 1. Request - Semiannual Report Marshall Economic Development (Rev)

Date: May 11, 2023
RE: Rescheduled Semiannual Presentation 2023

The Honorable City Council of Marshall, Texas
P.O. Box 698
Marshall, Texas 75670

Dear City Councilmembers and City Staff:

The Marshall Economic Development Corporation requests to appear before the City Council on May 11, 2023, to present a semiannual report for 2023. Thank you to the City Council and City Staff for making accommodations to the original schedule of April 27th.

This report is a requirement of the Marshall EDC bylaws. More importantly, it provides communication and transparency about EDC activities to the City Council and the public. Please let me know if you have specific questions you would like me to address, and I will look into them for the presentation.

I look forward to reviewing the last half-year of activity with the City Council. Thank you for your leadership and service to the community.

Respectfully,

Rush Harris
Executive Director
Marshall Economic Development Corporation

| | |
|---|---|
| TO: | City Council |
| DATE: | May 11, 2023 |
| ITEM #: | 9.C |
| SUBJECT: | Consider approval of the application for a grant through BCBS of Texas for $50,000 towards the National Fitness Campaign Project. |

**Recommendation for Action:** Asking the council for permission to apply for a grant through BCBS of Texas for $50,000 towards the project.

**Executive Summary:** The Parks Department and the Parks Advisory Board have been working with the National Fitness Campaign to get a Fitness Court installed at a park in the City of Marshall.

The Parks Advisory Board met on April 17, 2023 and were given a presentation of the fitness court. They voted to proceed with the project to be placed at City Park to enhance our *Valued Parks and Cultural Amenities* objective – exact locations within the park still be discussed.

**NFC Fitness Court funding**

| | | |
|---|---|---|
| The Fitness court and National Campaign Services | $ | 155,000.00 |
| Sate sponsored art collection | $ | - |
| Local Artist collections | $ | 25,000.00 |
| Blue Cross Blue Shield of Texas Grant | $ | (50,000.00) |
| Concrete Slab - | $ | 20,000.00 |
| Assembly - | $ | 25,000.00 |
| **Total** | **$** | **175,000.00** |

**Budget Cost:** $175,000.00

**Staff Contact:** Randy Pritchard, Support Services Director

**Attachments:** 1. 2023_Texas BCBSTX_ NFC Briefing Presentation (1)

NATIONAL FITNESS CAMPAIGN
# CAMPAIGN BRIEFING

2023

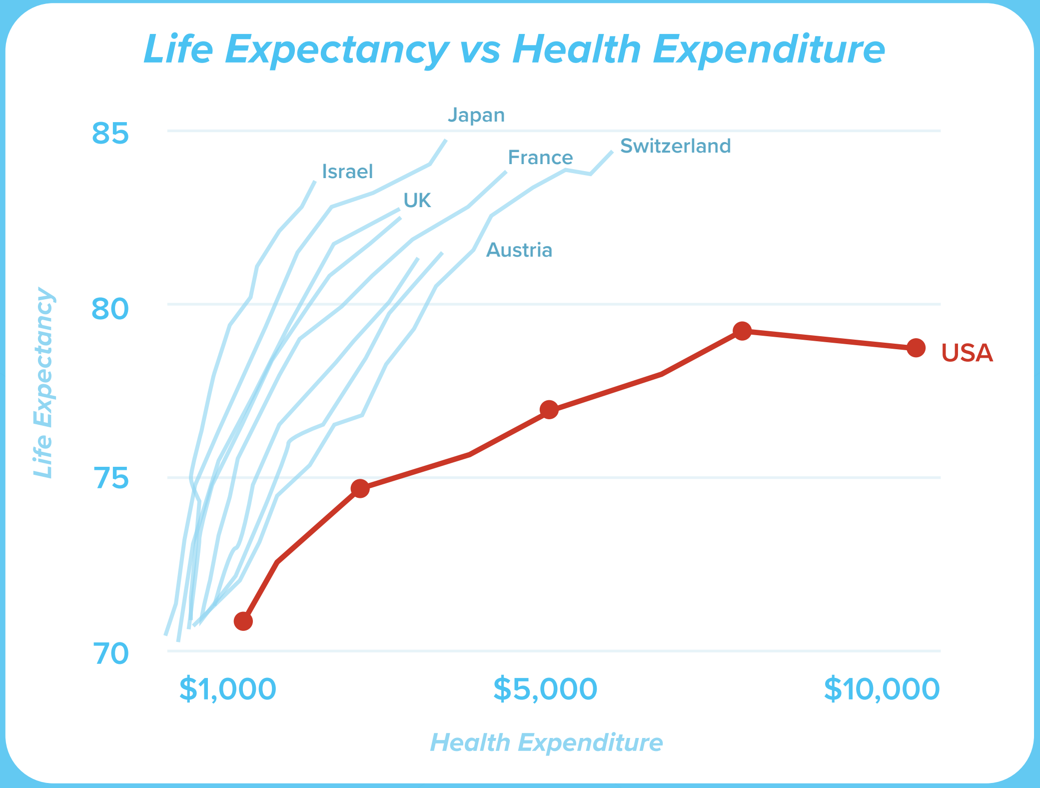
BROUGHT TO YOU BY


WHO WE ARE
National Fitness Campaign is a wellness consulting firm. Our mission is to build healthy communities.
EST. 1979
NATIONAL FITNESS CAMPAIGN
FITNESS COURT
WHAT WE DO
NFC develops partnerships with cities, schools and sponsors to fund, build, and activate outdoor Fitness Courts, making world class fitness free.

# WHY WE DO IT

## TO MAKE WORLD CLASS FITNESS FREE

## THE PROBLEM




America is facing a health crisis caused by sedentary lifestyles and cities designed for cars. USA spends more money than any other on healthcare with poor results.

## THE SOLUTION

When communities are designed to support wellbeing, health outcomes change!

40+ YEARS IN THE MAKING

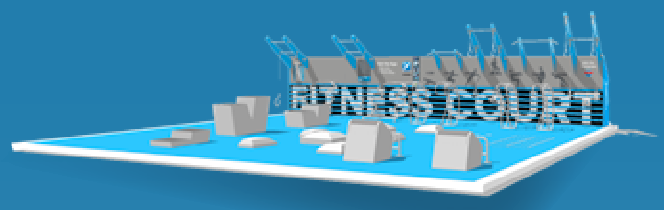
# CAMPAIGN HISTORY

**FITNESS COURT INVENTED**
SAN FRANCISCO • STANFORD

1979

**FIRST NATIONAL SPONSOR**
3 COUNTRIES • 10,000 FITNESS COURTS

1980's




**REDESIGNED**
FOR IMPACT IN 21ST CENTURY

2012

**WELCOMING 500TH**
HEALTHY COMMUNITY ACROSS AMERICA

2023

**NFC EXPANDS TO 10,000**
COMMUNITIES WITH PARTNERS

2030's

# Campaign Overview

National Fitness Campaign

DESIGN & PLANNING

LAUNCH & PRESS

SPONSOR SUPPORT

PUBLIC ART


GRANT FUNDING

AMBASSADOR TRAINING

INSTALLATION

MOBILE APP

★ EST. 1979 ★

NATIONAL FITNESS CAMPAIGN

FITNESS COURT

A COMPREHENSIVE COMMUNITY WELLNESS PROGRAM


**7 MOVEMENT FULL BODY WORKOUT**
FUNCTIONAL TRAINING SYSTEM
DIGITALLY ACTIVATED | *COACH IN YOUR POCKET*

CORE SQUAT PUSH LUNGE PULL AGILITY BEND



FITNESS COURT®

## ADULTS OF ALL AGES AND ABILITY

> **I am glad to see movements to improve balance.**
> *- Carol Claybaker, Senior Resident of Janesville, WI*

# Campaign Services

## National Fitness Campaign

**NEW APP** launching **2023**

### Planning & Funding Support

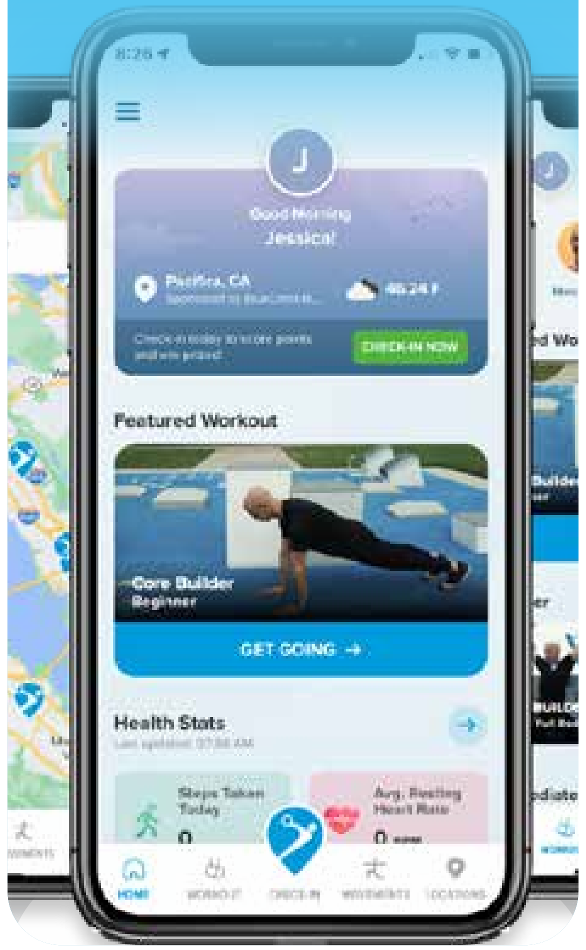

### Pre Launch Support


### Ambassador Training


### Media & Press


### Launch & Ribbon Cutting

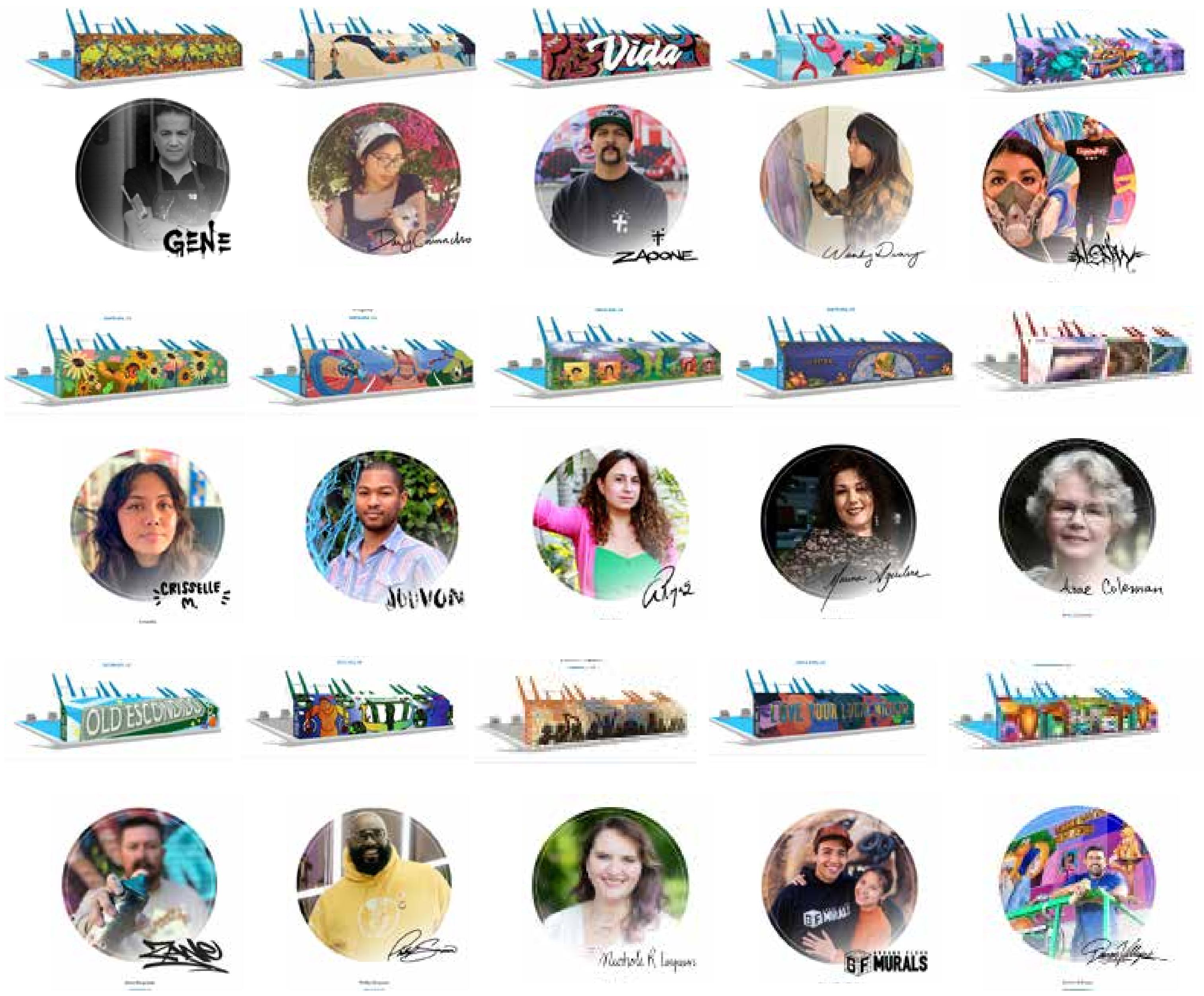
### Fitness Court® App




**WE BUILD HEALTHY COMMUNITIES!**

# Fitness Court® Public Art

## Inspiration Meets Wellness

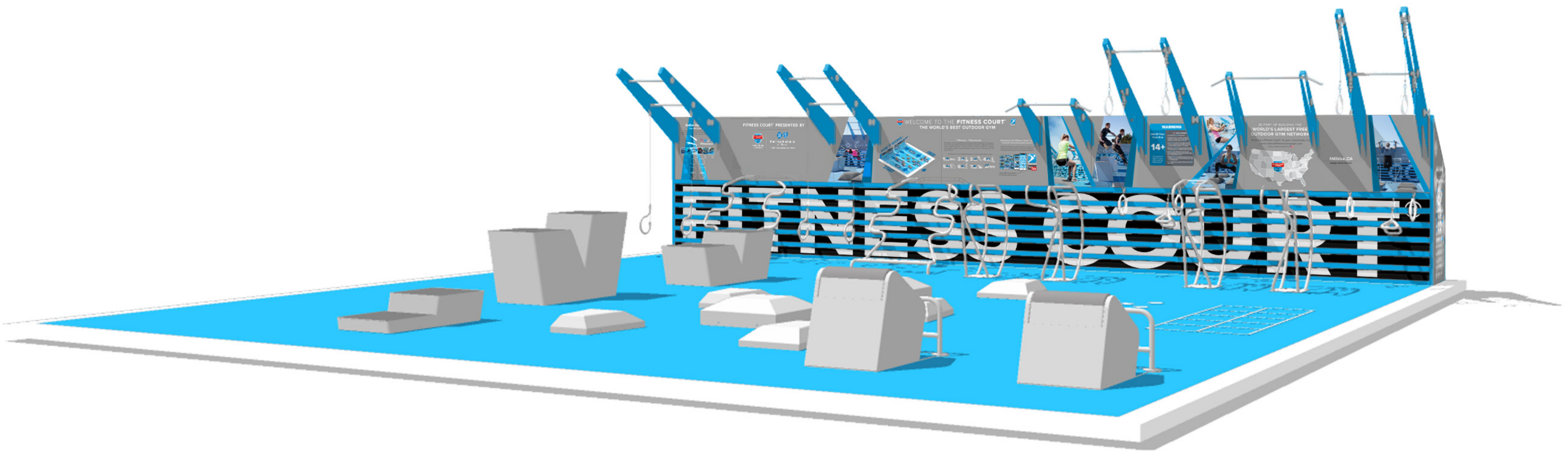



**ARTISTS FROM ACROSS THE COUNTRY**


# Fitness Court® Public Art

BlueCross BlueShield of Texas | FITNESS COURTS®

Approved State Fitness Court Design




## 2023 NFC State Sponsor Art Collection

*No Additional Funding Required*

## EACH FITNESS COURT® IS A ONE-OF-A-KIND WORK OF ART.

### NFC DESIGN STUDIO

**Additional Funding Required:**
**$10,000**


*Final design works in collaboration with State Sponsor.*

### LOCAL ARTIST

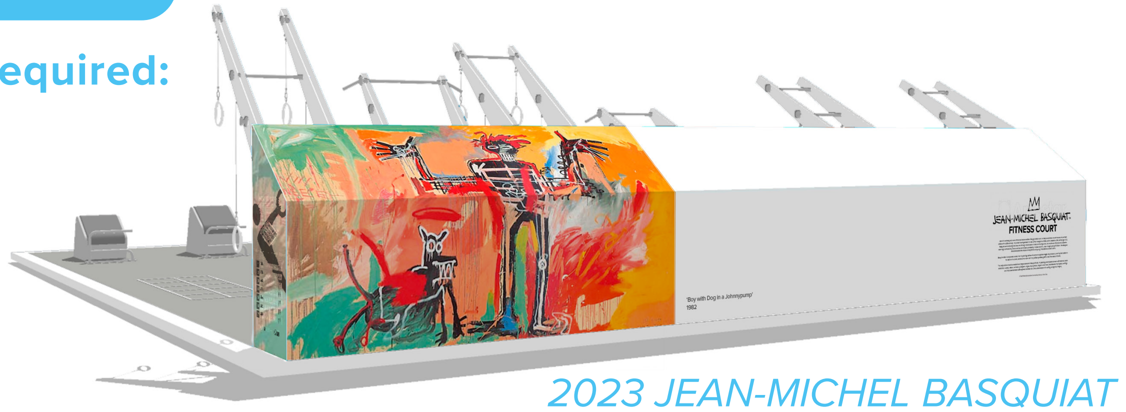
**Additional Funding Required:**
**$25,000**


*Final design works in collaboration with State Sponsor.*

### FEATURED ARTIST

**Additional Funding Required:**
**$50,000**

*Limited licenses available*



*2023 JEAN-MICHEL BASQUIAT*

# Campaign Overview

National Fitness Campaign

DESIGN & PLANNING

LAUNCH & PRESS

SPONSOR SUPPORT

PUBLIC ART


GRANT FUNDING

AMBASSADOR TRAINING

INSTALLATION

MOBILE APP

EST. 1979 NATIONAL FITNESS CAMPAIGN FITNESS COURT

**A COMPREHENSIVE COMMUNITY WELLNESS PROGRAM**

# *National Fitness Campaign Grows to 5000 Cities & Schools by 2030*

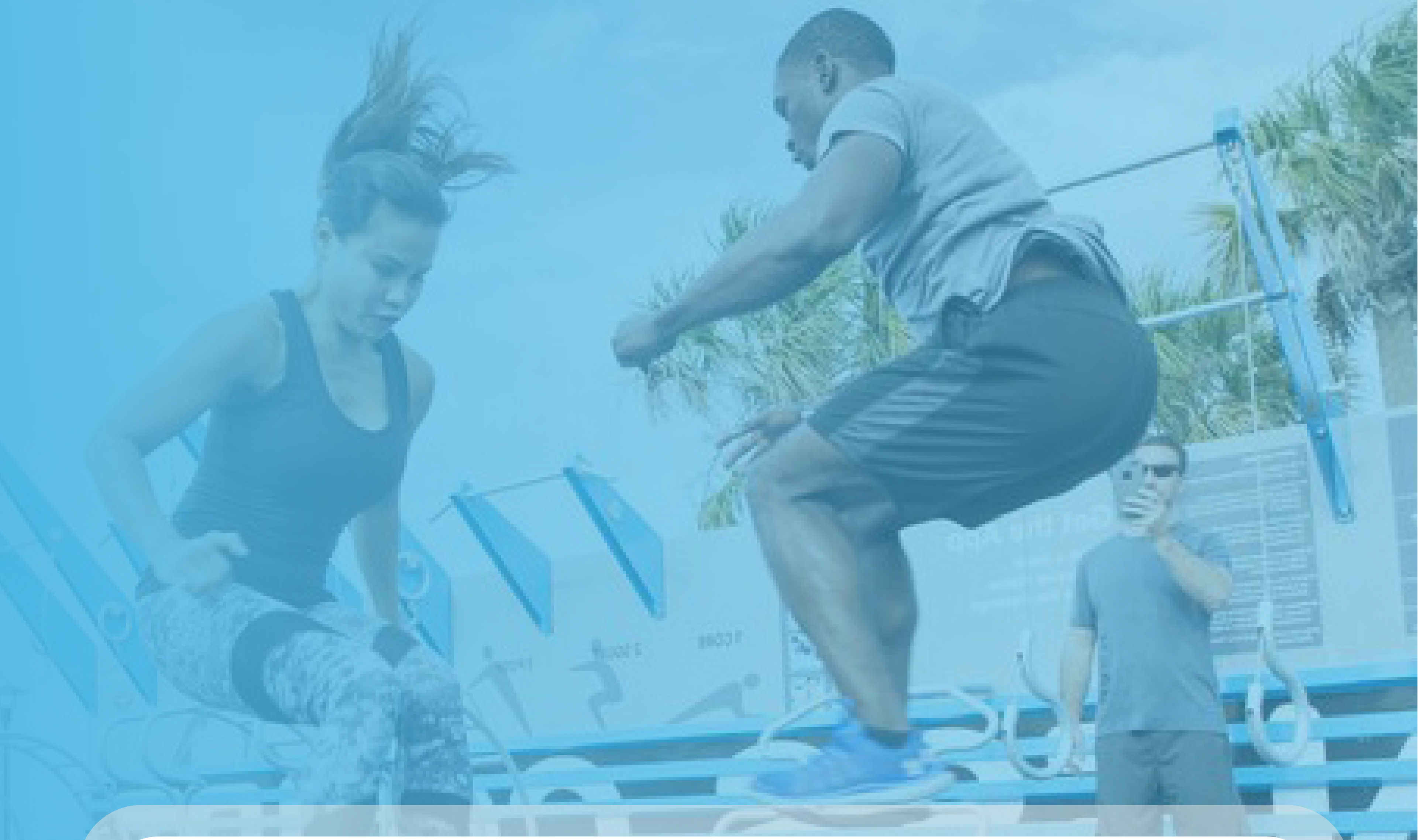

## NFC'S GOAL

**BUILD A FREE OUTDOOR FITNESS COURT® WITHIN A 10 MINUTE BIKE RIDE OF EVERY AMERICAN**

★ EST. 1979 ★
NATIONAL FITNESS CAMPAIGN
FITNESS COURT

## AMERICA'S LARGEST PUBLIC-PRIVATE WELLNESS PARTNERSHIP

**MAJOR HEALTHCARE PROVIDERS**
**MUNICIPALITIES • SCHOOLS**
**INDUSTRY AFFILIATES • CORPORATIONS & LOCAL SPONSORS**



# 2023 TEXAS CAMPAIGN

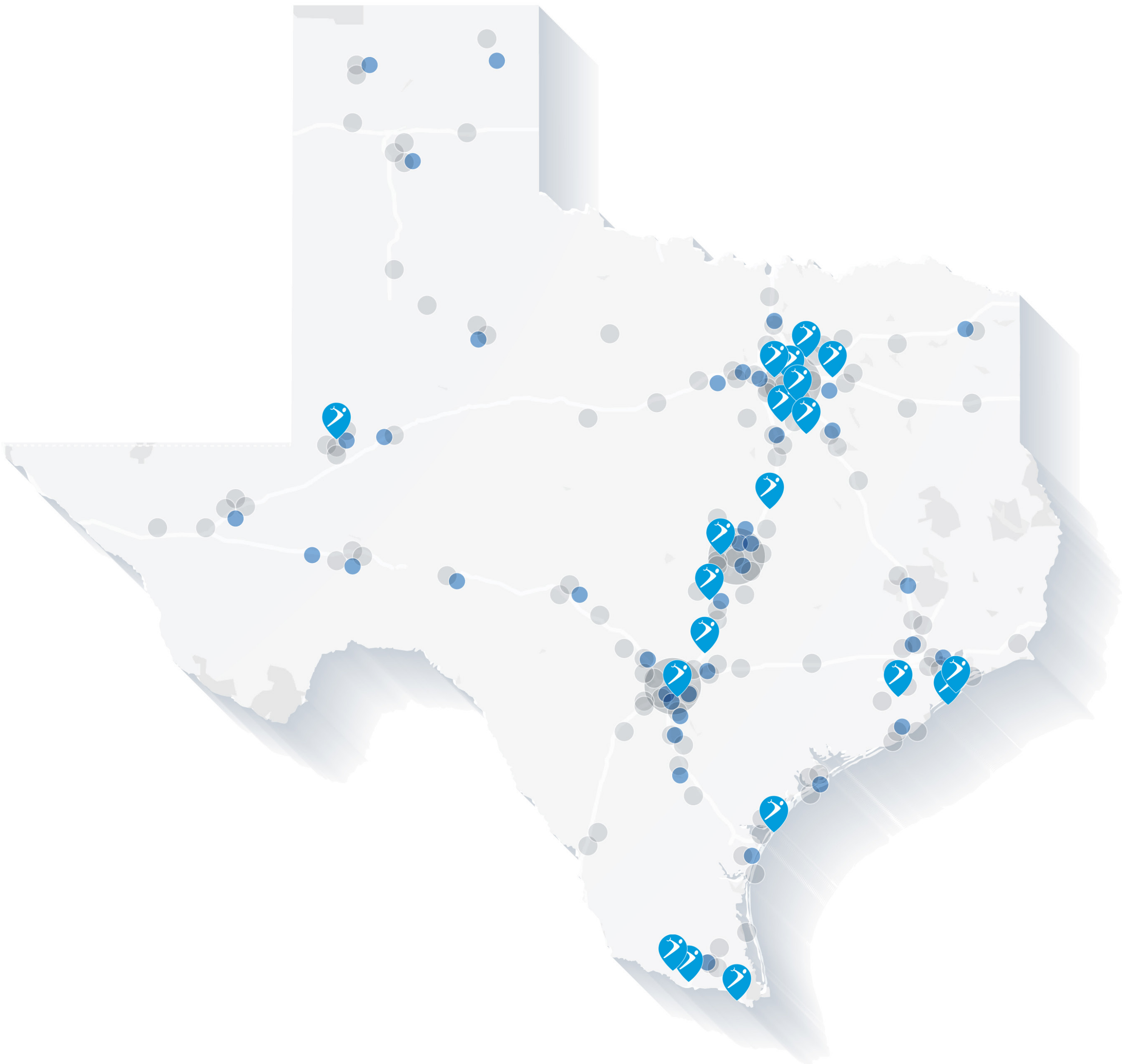
PRESENTED BY

BlueCross BlueShield of Texas | NATIONAL FITNESS CAMPAIGN, EST. 1979, FITNESS COURT

Approved State Fitness Court Design

## Strategic Plan Adopted for Health Impact Across State

### Limited funding for 20 communities in 2023



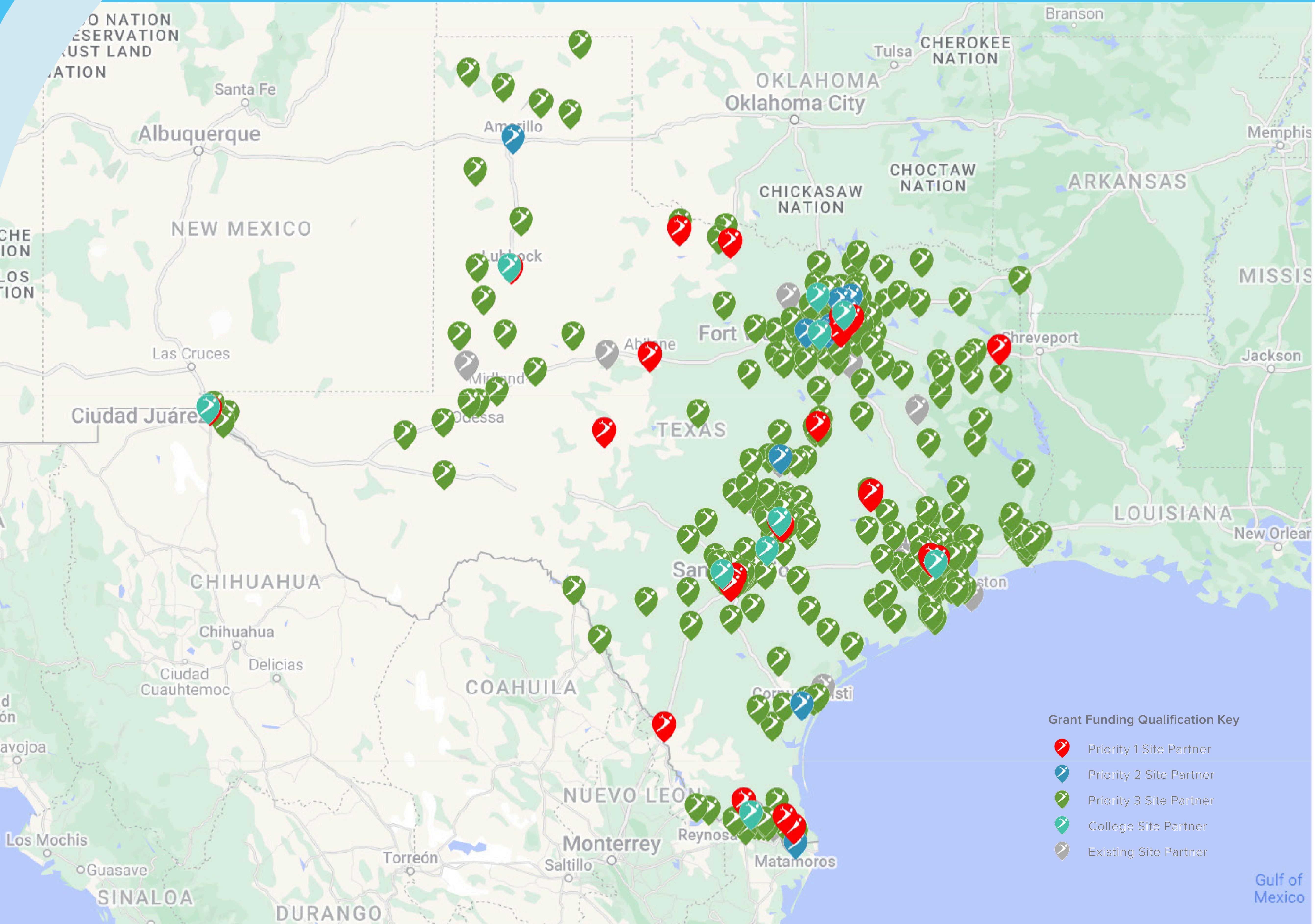
**$1,000,000 in Funding Now Available for Qualified Site Partners**

# 2030 Texas Health Impact Plan

*Version 1.1 Adopted Oct 2022*

NATIONAL FITNESS CAMPAIGN

BlueCross BlueShield of Texas




## *2030 Texas State Health Impact Plan*

In coordination with a statewide analysis of pedestrian infrastructure, communities and open space, and a public health needs assessment, NFC and BCBSTX have adopted a 2030 Partnership Master Plan to build healthy communities across the state of Texas.

- 200 Site partners coming to Texas by 2030
- Funding for first 50 site partners being distributed by 2025
- Multi-year grant funding and partnership applications now available for all qualification tiers
- All municipalities and schools identified are now being encouraged to qualify their community for partnership and funding

NATIONAL FITNESS CAMPAIGN

BlueCross BlueShield of Texas

# NFC Grant Requirements

Program Qualification

**MAKING WELLNESS A PRIORITY?**

**STEP 1**

**SITE WITH IMPACT**

**STEP 2**

**FUNDING MATCH**

**STEP 3**

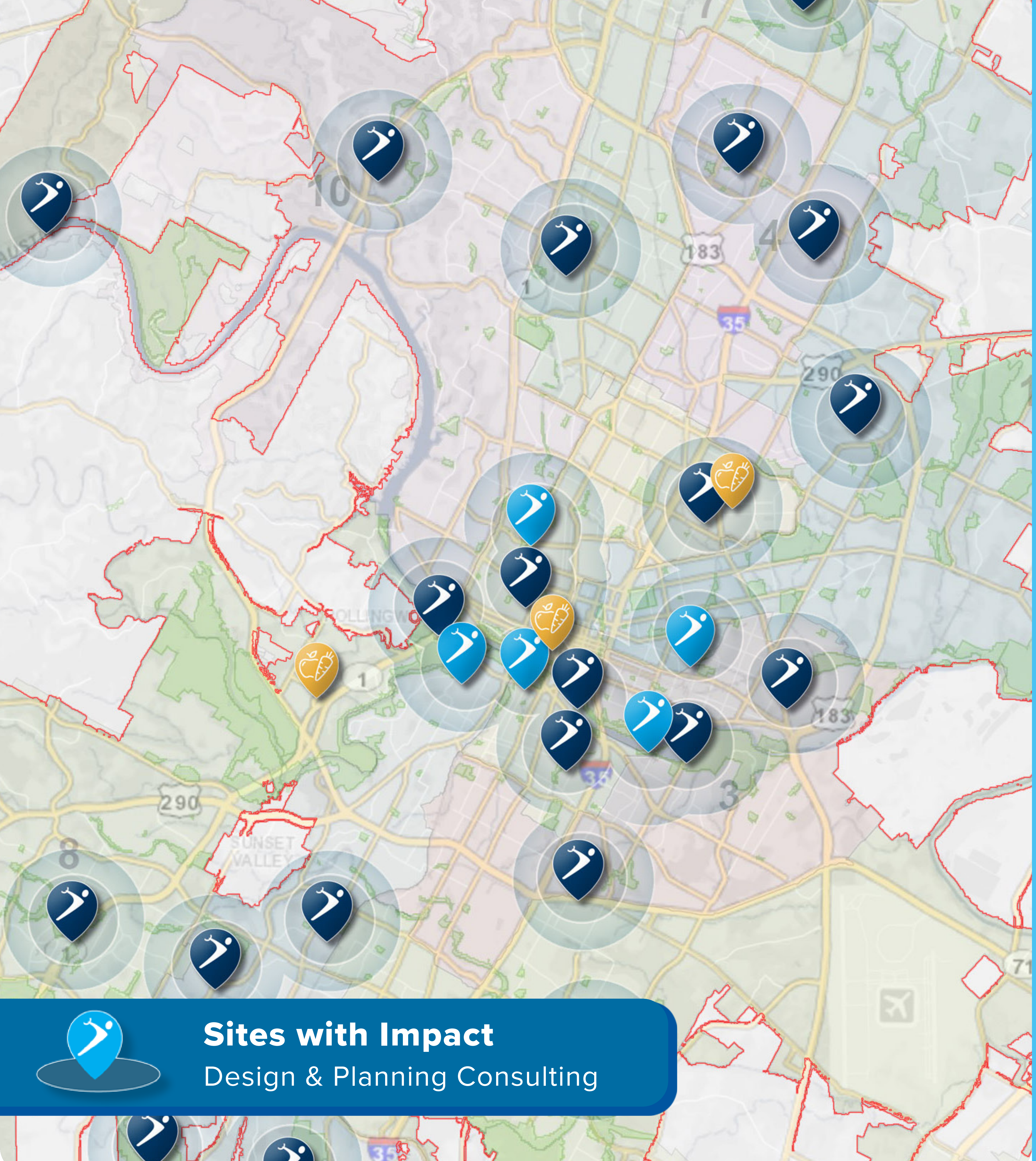
**CAMPAIGN TIMING**

**STEP 4**

## NFC GRANT PROGRAM QUALIFICATION REQUIREMENTS

# STEP 1


CONSENSUS TO JOIN THE CAMPAIGN
MAYOR & CITY MANAGER
COUNCIL MEMBERS
HEALTHY LIVING
PARKS & RECREATION
STAKEHOLDERS




**STEP 2**
Qualify site locations for Funding

1

## VISIBLE

Site locations must be recognizable with high visibility.

2

## ACTIVE

Site locations must be heavily trafficked and centrally located.

3

## CONNECTED

Site locations must be integrated with pedestrian infrastructure.

# 2023 CAMPAIGN FUNDING REQUIREMENT

## NFC PROGRAM FUNDING

The Fitness Court® and National Campaign Services — $ 155,000

NFC & Blue Cross Blue Shield of Texas Grant Funding Award (Variable Grants Available) — ($30,000-$50,000)

*$30,000 FOR AREAS OUTSIDE OF STATE SPONSOR REGION*

Art & Custom Color Options — *OPTIONAL*

*NFC Standard*
**Included**

*NFC Design Studio*
**$10,000**


*Local Artist*
**$25,000**

*Featured Artist*
**$50,000**

**NFC PROGRAM TOTAL — $ 105,000-125,000**

## CONCRETE SLAB

Can be performed in-house or in-kind — *est.* $ 0-20,000

## NFC APPROVED INSTALLER NETWORK - INSTALLATION TEAM

Turn Key Fitness Court Assembly
Art & Graphic Installation
Installation Partner *(separate agreement)* — $ 25,000

*With Prevailing Wage Rates: $27,000*

*Fitness Court installation is a specialized installation that requires expertise, proper certifications, and proven field* experience

**INSTALLATION & CONCRETE TOTAL ESTIMATE — $ 25,000-47,000**

# STEP 3

BlueCross BlueShield of Texas

NATIONAL FITNESS CAMPAIGN

## AWARDEE TOTAL REMAINING FUNDING REQUIREMENT

***PROGRAM + INSTALLATION***

**$130,000-$170,000**

*Includes standard art collection*

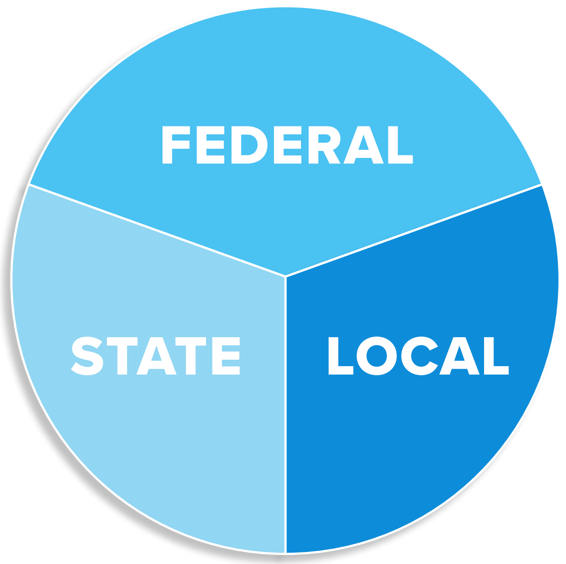
# Alternate Funding Pathways

Federal | State | Local | Regional


**ALTERNATE FUNDING PATHWAYS**

NFC CONSULTATIVE SUPPORT

## FEDERAL AND STATE FUNDING

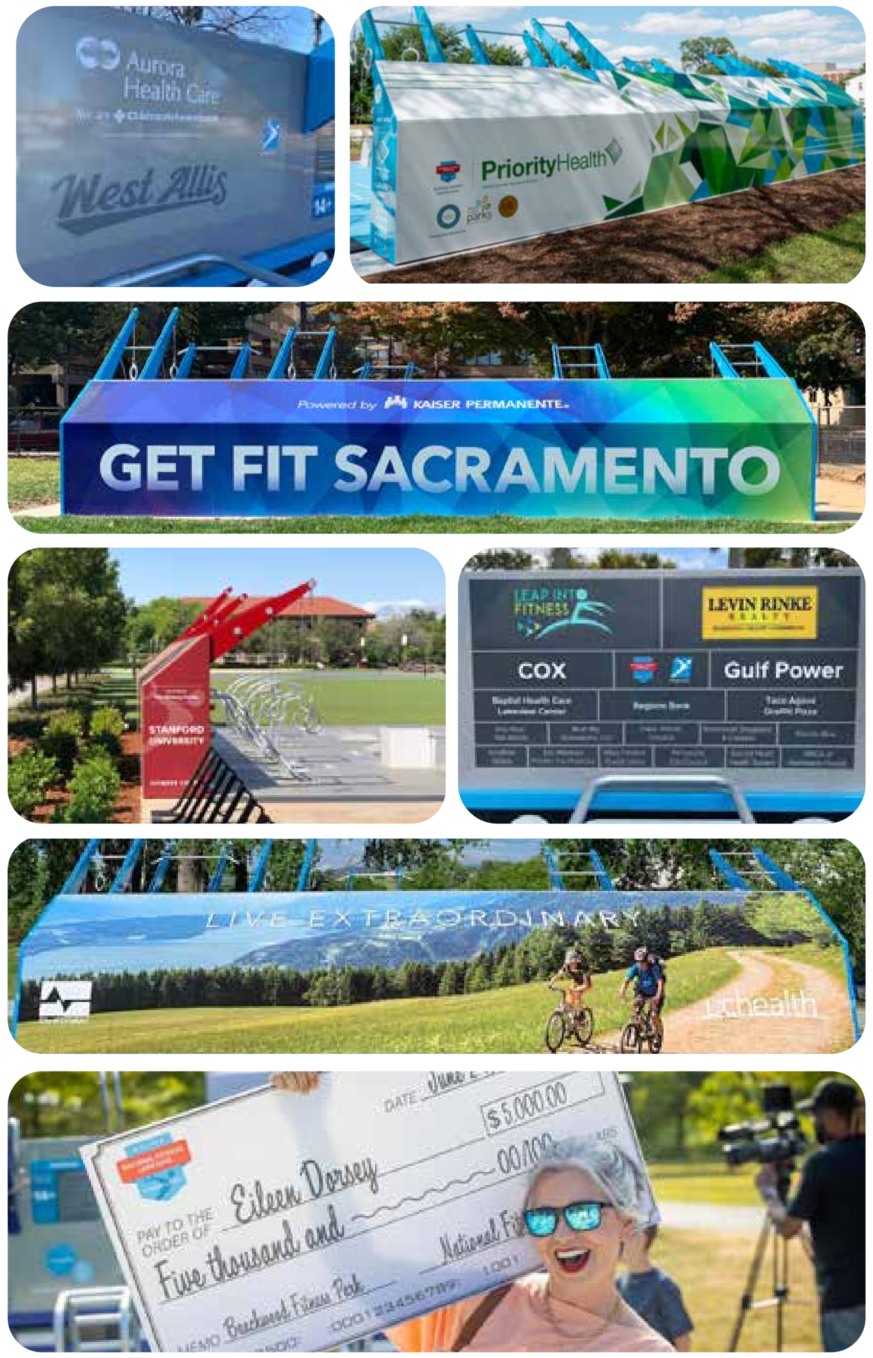



*Expert funding consulting for eligible partners*

COMMUNITY DEVELOPMENT BLOCK GRANT

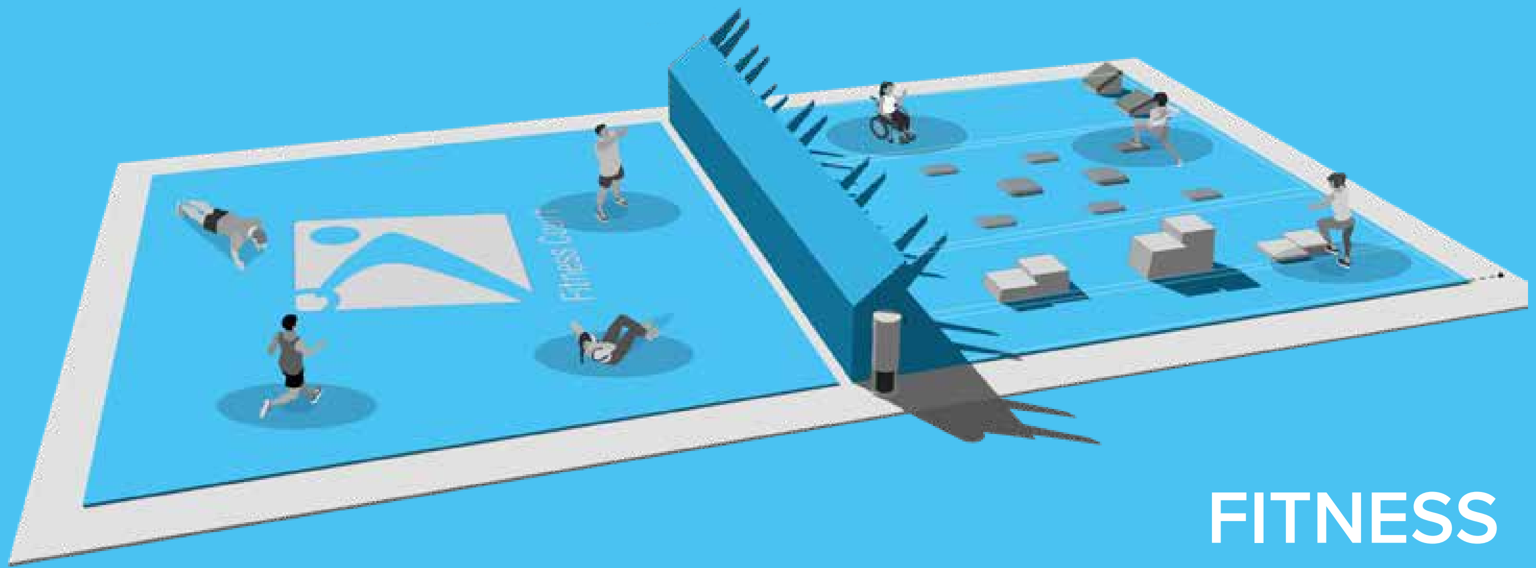
THE AMERICAN RESCUE PLAN

## LOCAL AND REGIONAL SPONSORS



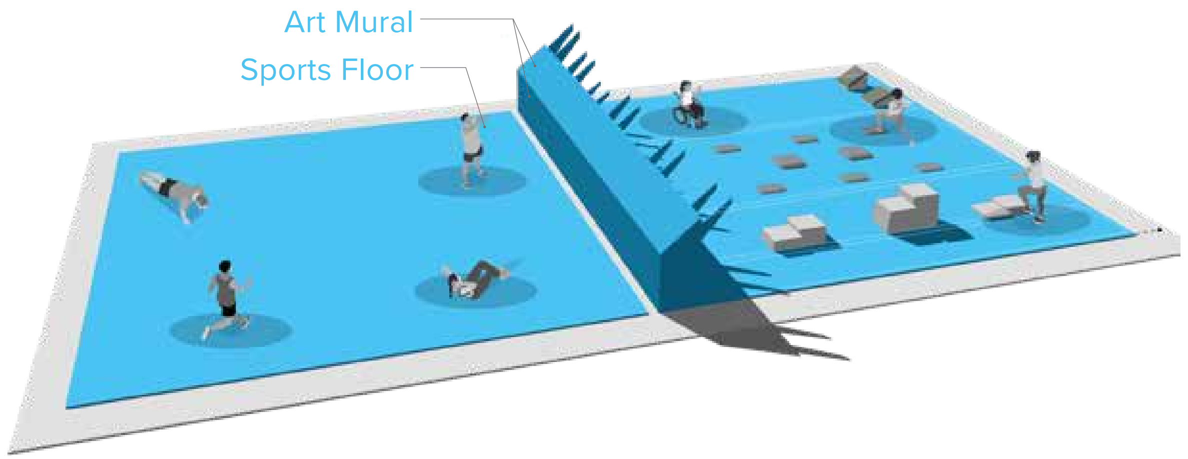
# Fitness Court® Studio

## Launching Nationwide 2023



FITNESS
ART
DANCE
YOGA
ZUMBA
PILATES
STRETCH

# FITNESS COURT | STUDIO




- World’s first integrated outdoor gym experience with two programmable class rooms
- Over **2,000 square feet** of wellness infrastructure
- Includes **edge to edge art mural as studio** classroom backdrop
- Compatible with existing Fitness Courts® and your Fitness Court® network

## ADDITIONAL FUNDING REQUIRED **$35,000**

***Limited Fitness Court Studio® programs available in each state in 2023*

**INSTALLATION** *est.* $7,500
Typically coordinated with Fitness Court Installation Partner (separate agreement)

**CONCRETE SLAB ADDITION** *est.* $0-20,000
Can be performed in-house or in-kind

**ESTIMATE TOTAL WITH INSTALL** $42,500-62,500

# 2023 GRANT APPLICATION PERIOD NOW OPEN

Campaign seeking qualified applicants able to meet the 2023 time frame for adoption and local funding match.


**Partnership Qualification Process**

Campaign Overview

# STEP 4

## PRE APPLICATION PHASE

1 Feasibility Review

2 Evaluation Call

3 Non-Binding Grant Application

## AWARD PHASE

4 Award of Grant Eligibility *(First Come, First Served for Qualified Applicants)*

5 Local Adoption by Governing Body

6 Develop and Confirm Funding Match

## LAUNCH PHASE

7 Shipment for Storage

8 Install Concrete Slab and Art Approval

9 Fitness Court Assembly

10 Press Launch Ceremony

## FITNESS COURT OPEN!

# Discussion - Q&A

National Fitness Campaign

MAKING WELLNESS A PRIORITY?

STEP 1

SITE WITH IMPACT

STEP 2

FUNDING MATCH

STEP 3

CAMPAIGN TIMING

STEP 4

SCHEDULE EVALUATION CALL

NEXT STEP

TO: City Council
DATE: May 11, 2023
ITEM #: 10.A
SUBJECT: An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel – Annual evaluation of City Judge.

**Recommendation for Action:** Convene in an executive session.

**Executive Summary:**

1. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel – Annual evaluation of City Judge.

**Budget Cost:** N/A

**Staff Contact:** Christol Hall, HR Director

**Attachments:** None

TO: City Council
DATE: May 11, 2023
ITEM #: 10.B
SUBJECT: An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel – Annual evaluation of City Manager.

**Recommendation for Action**: Convene in an executive session.

**Executive Summary**: An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel – Annual evaluation of City Manager.

**Budget Cost**: N/A

**Staff Contact:** Christol Hall, HR Director

**Attachments:** None

| | |
|---|---|
| TO: | City Council |
| DATE: | May 11, 2023 |
| ITEM #: | 10.C |
| SUBJECT: | An executive session pursuant to Texas Govt. Code Section 551.071. "Consultations with Attorney" to consult with the City Attorney in an executive session to seek his or her advice on legal matters concerning pending or contemplated litigation and upon a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter." |

**Recommendation for Action:** Convene in executive session

**Executive Summary:** Consult with the City Attorney in an executive session pursuant to Texas Govt. Code Section 551.071 to seek his or her advice on legal matters concerning pending or contemplated litigation and upon a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

**Budget Cost:** N/A

**Staff Contact:** Scott Rectenwald, City Attorney

**Attachments:** None

| | |
|---|---|
| TO: | City Council |
| DATE: | May 11, 2023 |
| ITEM #: | 10.D |
| SUBJECT: | An executive session pursuant to Section 551.087 of the Texas Government Code (Deliberation Regarding Economic Development Negotiations) (1) to discuss or deliberate regarding commercial or financial information that the City Council has received from a business prospect that the City Council seeks to have locate, stay, or expand in or near the territory of the City and with which the City Council is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described above; concerning Project Epsilon. |

City of MARSHALL TEXAS

**Recommendation for Action:** Convene in executive discussion to discuss Project Epsilon.

**Executive Summary:** An executive session pursuant to Section 551.087 of the Texas Government Code (Deliberation Regarding Economic Development Negotiations) (1) to discuss or deliberate regarding commercial or financial information that the City Council has received from a business prospect that the City Council seeks to have locate, stay, or expand in or near the territory of the City and with which the City Council is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described above; concerning Project Epsilon.

**Budget Cost:** N/A

**Staff Contact:** Rush Harris, Executive Director Marshall EDC

**Attachments:** None

| | | |
|---|---|---|
| City of MARSHALL TEXAS | TO: | City Council |
| | DATE: | May 11, 2023 |
| | ITEM #: | 11.A |
| | SUBJECT: | Consider approval of an expenditure greater than $50,000 by Marshall EDC for Project Epsilon. |

**Recommendation for Action**:

**Executive Summary**:

**Budget Cost**:

**Staff Contact:** Rush Harris, Executive Director Marshall EDC

**Attachments:** 1. Request - Project Epsilon

Marshall
ECONOMIC DEVELOPMENT

Date: May 11, 2023
RE: Project Epsilon

The Honorable City Council of Marshall, Texas
P.O. Box 698
Marshall, Texas 75670

Dear City Councilmember and City Staff:

The Marshall Economic Development Corporation (Marshall EDC) has requested to appear before the City Council on May 11, 2023, to consider an expenditure greater than $50,000 regarding Project Epsilon. The expenditure involves the potential allocation of EDC funds toward workforce development. It includes funding High Demand Job Training Program grants and other funding to establish feeder courses in connection with Texas State Technical College Marshall campus and Marshall ISD. Grants typically are subject to approvals by their respective granting agencies.

The project involves a company currently in the site selection process for a significant regional business expansion. The company has yet to decide on a location; however, Harrison County is a finalist in the State of Texas.

As this project is ongoing, more details will be provided during the Executive Session. Information regarding the High Demand Job Training Program and other grants can be found online at www.twc.texas.gov.

Thank you for the opportunity to present this project before the City Council of Marshall.

Respectfully,

Rush Harris
Executive Director
Marshall Economic Development Corporation

marshalledc.org • 100 N Bolivar, Ste 206, Marshall, Texas 75670 • (903) 934-8035